

25.08.2025
Sl. No. 40
Ct No. 42
SG

WPA 26953 of 2024

**Koushik Chowly & Anr.
Vs
State of West Bengal & Ors.**

Mr. Masud Karim,
Ms. Aiswaryya Mukherjee.

...for the petitioners

Ms. Sipra Mazumder.

...for the State

1. On the prayer of the learned Advocate for the petitioner leave is granted to file supplementary affidavit.
2. Supplementary affidavit filed on behalf of the petitioner no. 1 is taken on record.
3. This writ petition is filed seeking direction upon the respondent authorities to allow the petitioners to continue the construction work on the basis of sanctioned plan in respect of R.S. Plot No. 1369 (corresponding to L.R. Plot No. 1390) situated at J.L. No. 034, Mouza – Rajapur within the jurisdiction of Singhti Gram Panchayat, P.S. Udaynarayanpur, Dist.- Howrah.
4. The petitioners contend that by dint of registered sale deed being 2059 of 2000 and gift deed being No. 2780 dated 28.09.2021 the petitioners acquired right, title and interest in the aforesaid property. The petitioners obtained sanctioned building plan from the

local gram panchayat for construction of two separate one storied residential building. The private respondent no. 8 is an adjacent land owner and her residence is just behind the ancestral residential building of the petitioners. In order to grab the property of the petitioners, private respondent no. 8 along with local goons are trying to obstruct the petitioners from making construction on the basis of sanctioned plan. Representation was made before the police authority on 24th March, 2023. Since no steps have been taken, hence, this writ petition.

5. Mr. Masud Karim, learned Advocate appearing for the petitioners submit that the petitioners upon execution of sale deed and gift deed in their favour became the owners of the property in question and they have converted the land from '*Udbastu*' to '*Bastu*'. The petitioners also obtained sanctioned building plan, on the basis of which they started to make construction. However, without any rhyme or reason the private respondent no. 8 is causing obstruction. He seeks appropriate direction upon the respondent authorities for allowing the petitioners to continue their work of construction.

6. Ms. Sipra Mazumder, learned Advocate appearing for the State submits that there is long pending land dispute by and between the parties and in relation to

the same proceeding has been initiated under Section 107 and Section 144(2) of the Criminal Procedure Code. The entire dispute is private and civil in nature. She seeks for dismissal of the writ petition.

7. Admittedly, the petitioners filed a civil suit being Title Suit No. 116 of 2023 before the learned Civil Judge (Junior Division) at Amta, Howrah. In the said suit the petitioners filed an application for temporary/*ad interim* injunction. The prayer for *ad interim* injunction has been refused. It is informed by the learned Advocate for the petitioners that application for temporary injunction is pending disposal. The facts involved in the suit is precisely identical to the facts raised in the present writ petition. Thus, it is found that the dispute by and between the petitioners and the private respondent no. 8 is precisely civil in nature. Hence, this writ petition is not maintainable.

8. Accordingly, the writ petition being **WPA 26953 of 2024** stands dismissed.

9. However, it is left open to the petitioners to approach the jurisdictional Civil Court for proper relief.

10. Since no affidavits have been called for from the respondents, the allegations made in the writ petition shall not be deemed to have been admitted.

11. Interim order, if any, stands vacated.

12. All connected applications, if any, stand disposed of.

13. There shall be no order as to costs.

14. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

15. Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)