

23
17.02.2025
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 27393 of 2024

**Parimal Shit & Ors.
-versus
The State of West Bengal & Ors.**

**Mr. Manoranjan Jana.
...For the Petitioners.**

**Mr. Nilotpal Chatterjee,
Mr. Debraj Sahu.
...For the State.**

1. The petitioners allege that the work of construction of water reservoir is going on illegally over their private land. A partition suit in respect of the said land is pending consideration before the learned Civil Court.

2. Learned advocate appearing on behalf of the State respondents denies that the land is the private land of the petitioners. It has been submitted that the land in question being J.L.No.211, Khatian No.1603, LR Plot Nos. 130 and 132 only was gifted by Sri, Arun Shit.

3. It has been submitted that all safety norms are being maintained at the time of raising construction.

4. Learned advocate appearing on behalf of the petitioners denies the aforesaid submission.

5. As the petitioners contend that they are the co-sharers of the land indicated hereinabove and the same is the subject matter of a pending partition suit, it will be open for the petitioners to approach the learned Civil Court for necessary relief, if so advised.

6. The instant writ petition is disposed of by directing that the construction work shall continue by maintaining all necessary safety measures.

7. The writ petition stands disposed of.

8. The instruction forwarded by the Executive Engineer, Tamluk Division, PHE Dte. is taken on record.

9. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)