

10.06.2025
Sl. No.18
tkm

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

W. P. A. 1163 of 2025

[Smt. Suchandra Ghosh -Vs- State of West Bengal & Ors.]

Mr. Bapi Sarkar
... .. for the petitioner

Mr. Hirak Barman
Mr. Kumar Shantanu
... for respondent nos. 1, 2 and 5

Mr. Ajay Singhal
Mrs. Heena Yasmin Shaikh
... for respondent nos. 6 to 8

1. The affidavit of service is taken on record.
2. The petitioner has preferred the present writ petition, being aggrieved by the alleged inaction on the part of the respondent authorities in failing to take steps for removal of unauthorized construction at plot of land comprised in LR plot not 18 and 19, JL no. 94, Mouza-Thiknikata, Pargana Patharghata under Gram Panchayat Matigara-I, Block Matigara, PS Matigara, Dist.-Darjeeling, allegedly carried out at the instance of respondent nos. 6 to 8.
3. Learned counsel for the private respondent nos. 6 to 8 has entered appearance and has handed over a copy of the order passed by this court in WPA 05 of 2025.
4. Learned counsel for the private respondents submits that the dispute is of a private nature and

alleges that the present writ petition has been filed by the petitioner by suppressing material facts.

5. It is further contended by the learned counsel for the respondent that they had earlier filed a writ petition being WPA 05 of 2025, raising allegations of illegal and unauthorized construction carried out by the present writ petitioner in the form of running of a hotel. In the said matter, there was an order passed on 27.1.2025, wherein this court had directed respondent authority to inspect the premises and take all necessary and consequential steps for removal and demolition of unauthorized construction as would be indicted in the inspection report of respondent, in accordance with law.

6. Learned counsel for the petitioner submits that he had no knowledge of the said petition filed by his client and therefore, the same could not be disclosed in the present writ petition.

7. The allegation of the petitioner that the private respondents are carrying out illegal construction is unsubstantiated by any documentary evidence, on the contrary, the private respondents have produced a valid sanctioned plan for the alleged illegal construction. In view of the above fact, it appears that the present writ petition has been filed with unclean hands and by suppressing material facts, particularly regarding the earlier round of litigation.

It also appears that the petitioner has filed the present writ petition with intent to harass the private respondents.

8. In view of above, the present writ petition is dismissed.

(Gaurang Kanth, J.)