

D/L- 3
13/02/2026
Ct. No.-19
Aritra

WPA 2034 of 2026

**Sk. Ajmil Hossain & Anr.
Vs.
The State of West Bengal & Ors.**

Mr. Raj Kumar Sain

....for the petitioners

Mr. Partha Pratim Roy

Ms. Ananya Chakraborty

....for the respondent Nos.8-10, 13-16 & 21

Mr. Tanmoy Mukherjee

Mr. Rudranil Das

Ms. Monalisa Das

....for the respondent Nos.12, 19 & 25

Mr. Kanak Kiran Bandyopadhyay

....for the State

Affidavit of service filed in Court today is taken on record.

The petitioners claim to be the recorded owner of a portion of L.R. Plot No.89, Khatian No.200 and 2390, J.L. No.120 within Mouza-Mirzapur under Police Station-Egra in the District of Purba Medinipur.

The petitioners state that a PWD road is running adjacent to the aforesaid property of the petitioner. The petitioner alleges that the private respondents herein without taking any permission from the concerned authority have erected several unauthorised and illegal *Pucca* construction over the land of PWD (Roads) by covering and blocking the front portion of the raiyati property of the petitioners thereby causing obstruction to

the ingress and egress of the petitioners from their property to the PWD road.

Petitioners submitted a representation before various authorities including the Assistant Engineer, Contai Highway Sub-Division dated December 8, 2025, requesting the authorities to take steps for removal of the illegal structure raised by the private respondents by encroaching upon the PWD roads.

Mr. Roy, learned advocate appears for the respondent Nos. 8-10, 13-16 & 21 and Mr. Mukherjee appears for the respondent Nos.12, 19 and 25. The learned advocates for the private respondents uniformly submit that the petitioners filed a suit being Title Suit No.31 of 2002 which stood dismissed by the judgment and decree dated May 19, 2023 passed by the learned Civil Judge (Jr. Div.), 2nd Additional Court, Contai, District-Purba Medinipur and the petitioners have filed an appeal before the First Appellate Court. The learned advocates for the private respondents further submit that such fact has been suppressed by the petitioners in this writ petition.

Heard the learned advocate for the State.

In reply, the learned advocate for the petitioners submits that the cause of action for filing the suit and the cause of action for filing the writ petition is different for which the petitioners have not felt it necessary to disclose the fact that a decree has been passed by the learned trial court against the petitioners and the pendency of the

appeal before the First Appellate Court at the instance of the petitioner.

Heard the learned advocates for the respective parties and perused the materials placed.

The cause of action for filing the writ petition is that the construction raised by the private respondents on the PWD Roads is causing obstruction to the egress and ingress of the petitioner from his raiyati property to the PWD Road.

The petitioners filed Title Suit No.31 of 2002, praying for declaration of their right in respect of *Ka* schedule property and for restraining the defendants therein, who are the private respondents in this writ petition from causing any disturbance in the peaceful possession of the petitioners in respect of the *Ka* schedule property. *Ka* schedule property described in the plaint of the said suit is plot No.89.

At this stage it would be relevant to point out that the State of West Bengal represented by the Collector of Medinipur District, Block Land & Land Reform Officer, Egra-I and the Executive Engineer, Public Works Departments are party defendants in the said suit.

However, the petitioner failed to establish their ownership right as it is evident from the judgment and decree dated May 19, 2023 that the Title Suit No.31 of 2002 stood dismissed thereby holding that the plaintiffs/petitioners herein have failed to establish their

right, title, interest over the *Ka* schedule property i.e. L.R. Plot No.89.

The petitioners have preferred an appeal being Title Appeal No.51 of 2023 which is pending before the learned Civil Judge (Sr. Div.), 2nd Court at Contai.

Since the petitioners failed to establish their title in respect of the L.R. Plot No.89 in a property constituted civil suit, this Court is not inclined to grant any relief to the petitioner in this writ petition.

It will be open to the petitioner to pray for appropriate relief before the Civil Court where the appeal is pending.

Accordingly, WPA 2034 of 2026 stands dismissed.

There will be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Hiranmay Bhattacharyya, J.)