

15.01.2026
Sl. No. M/742
g.b.
Court No.15

W.P.A. 4613 of 2025

Sri Karitck Chandra Das
Vs-
The State of West Bengal & Ors.

Mr. Joyjit Roy Choudhury
....For the Petitioner
Mr. P. K. Banerjee
....For the Respondent Nos.5 and 6
Mr. Manoj Malhotra
Ms. Tanusri Pal Chowdhuri
....For the State
Ms. Madhumita Patra
Mr. S. Chakraborty
....For the Respondent No.4

It is the grievance of the petitioner that his uncle, Respondent No. 4, has constructed a building on L.R. Dag No. 120, J.L. No. 55, L.R. Khatian No. 885, under Mouza–Bhola, District–Hooghly, without maintaining the mandatory side open space.

Learned advocate appearing for the petitioner has drawn the attention of this Court to a letter dated 20th September, 2024, issued by the concerned Gram Panchayat, to contend that Respondent No. 4 has constructed an excess area measuring 117.25 sq. ft. beyond the sanctioned plan.

Learned advocate for Respondent No. 4, however, submits that on the self-same allegation, the petitioner has already instituted Title Suit No. 186 of 2024 before the learned Civil Judge (Junior Division), Additional Court, Chandannagore, Hooghly. The said suit is pending, and an order of injunction has also been passed therein.

I am of the view that the petitioner cannot be permitted to prosecute two forums simultaneously with identical prayers in respect of the self-same construction.

Accordingly, this writ petition is not entertained. This, however, shall not preclude the petitioner from filing appropriate applications in connection with the said suit.

In view of the above, **WPA 4613 of 2025** stands disposed of.

(Kausik Chanda, J.)