

15.01.2026
Sl. No. M/766
g.b.
Court No.15

W.P.A. 4985 of 2025

Partha Ghosh & Anr.
Vs-
The State of West Bengal & Ors.

Mr. Sabir Ahmed
Mr. Sudip Kumar Mandal
Mr. Dhiman Banerjee
.....For the Petitioners
Mr. Santanu Kr. Mitra
Mr. Amartya Pal
.....For the State
Mr. Kushal Chatterjee
Mr. T. Khan
Mr. Atanu Halder
.....For the Private Respondent

The petitioners allege that Respondent No. 10 has undertaken unauthorised construction without obtaining any permission from the Panchayat Authority. It is further alleged that such construction has been carried out without maintaining the mandatory side open space.

Learned advocate appearing for Respondent No. 10, on the other hand, has produced the sanctioned plan. He further submits that the petitioners had instituted Title Suit No. 96 of 2025 before the learned Civil Judge (Junior Division), 7th Court at Howrah, on the self-same allegation of unauthorised construction without

maintaining the mandatory side open space. The said suit was permitted to be withdrawn by the learned Judge, without liberty to file afresh, by an order dated 21st August, 2025.

A copy of the order dated 21st August, 2025 has been handed over to this Court.

In view of the aforesaid, this Court is not inclined to entertain the present writ petition. The petitioners, having approached the Civil Court with an identical prayer and having subsequently withdrawn the same, cannot now invoke the writ jurisdiction of this Court with the self-same grievance.

Accordingly, **WPA 4985 of 2025** is dismissed.

(Kausik Chanda, J.)