

02.2.2026
Ct. no.15
ML.5
Samarpita

WPA 5493 of 2025

**Subrata Mondal
VS
State of West Bengal &Ors.**

Mr. Apurba Kumar Ghosh
... for the Petitioner

Mr. ShehnazTareq Mina,
Mrs. Shabana Hasin
... for the State

Though the petitioner alleges unauthorized construction at the behest of Respondent No. 9, the affidavit of service filed by the petitioner does not indicate that service has been effected upon the said respondent. Let the said affidavit of service be kept on record.

It appears from the writ petition that the petitioner had made a representation before the Pradhan, Maharajpur Gram Panchayat, alleging unauthorized construction at the behest of Respondent No. 9. The representation indicates that the petitioner was not aware whether the building had been constructed after obtaining permission from the Panchayat Authority.

The learned advocate appearing for the petitioner submits that the writ petition was filed only thereafter, more than six months later, on March 6, 2025, before this Court.

The learned advocate appearing for the petitioner produced a photograph of the relevant building before this Court. From the photographs, it appears that a one-storied building is already in existence, with the roof of the building having been completely cast.

The petitioner, having already availed of the remedy before the Civil Court for redressal of his grievance, cannot be permitted to impart a public law character to a dispute that is essentially civil in nature, particularly at such a belated stage. A writ court cannot be utilized as an alternative forum to secure indirectly what could not be obtained directly in civil proceedings.

The allegation regarding the absence of a sanctioned plan is inextricably intertwined with the underlying civil dispute and appears to have been raised merely to lend a semblance of public law character to what is fundamentally a private conflict.

Accordingly, **WPA 5493 of 2025** is dismissed.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)