

19.02.2026
Item No.A870.
Ct. No.15
Suman

WPA 6417 of 2025

Motahar Sekh
-Vs-
The State of West Bengal and Ors.

Mr. Prasanta Kumar Banerjee
..for the petitioner

Mr. Lalit Mohan Mahata, AGP
Mr. Prasanta Behari Mahata
..for the State

Learned counsel appearing for the petitioner submits that Respondent No. 9 has undertaken unauthorized construction on Plot No. 2142, Mouza – Kusumgram, L.R. Khatian Nos. 8390 and 7309, J.L. No. 71, P.S. Monteswar, Purba Burdwan.

It appears that the petitioner had earlier filed a title suit against Respondent No. 9 before the competent Civil Court, seeking a declaration of his right, title, and interest over the property in question. The petitioner also obtained an injunction order on May 2, 2024, restraining Respondent No. 9 from dispossessing him or undertaking any construction on the said property. A prayer for police assistance to enforce the injunction was also granted.

Thereafter, the present writ petition has been filed seeking demolition of the alleged

unauthorized construction on the ground of absence of a sanctioned plan.

The petitioner, having already availed of the remedy before the Civil Court, cannot now seek 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 invoked as an alternative forum to obtain indirectly what could not be secured directly in civil proceedings. The allegation regarding the absence of a sanctioned plan is inextricably linked to the underlying civil dispute and appears to have been raised solely to lend a semblance of public law character to what is fundamentally a private conflict.

In view of the foregoing, **W.P.A. 6417 of 2025 is dismissed.**

The dismissal of this writ petition shall have no bearing on the pending civil suit between the parties.

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.)