

Sl. 10
27.04.2026
Court No.19
BP

WPA 9590 of 2026

Mahabul Sk.& Anr.
-versus-
The State of West Bengal & Ors.

Mr. Hamidur Rahaman
Mr. Parvej Islam
..for the petitioners

Ms. Jayeeta Sinha
Mr. Siddhartha Ghosh
..for the State

Mr. Husen Mustafi
Ms. Suhana Parvein
..for the private respondent
nos.9 to 13

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

The petitioner claims to be the owner of a plot of land being Plot No. 1362/1742 within Mouza Hurshi under Police Station Islampur in the District of Murshidabad. The petitioner states that the aforesaid plot of land is adjacent to the PWD road. The petitioner alleges that the private respondents have raised a construction by encroaching upon the PWD road running adjacent to the aforesaid property of the petitioner. The petitioners claim to have submitted a representation before various authorities by a letter dated 26th March, 2026 requesting

the said authorities to take steps for removal of unauthorised construction from the PWD road.

The learned advocate appearing for the private respondents submits that prior to the filing of the suit the petitioner filed a writ petition alleging illegal construction made by the private respondent in violation of the provisions of the Panchayat Act. The said writ petition which was registered as WPA 20873 of 2022 stood dismissed by an order dated 23rd September, 2022. Thereafter the petitioner filed a suit for partition being Title Suit No. 678 of 2024 before the learned Civil Judge (Senior Division), Lalbagh, Murshidabad in respect of selfsame property being R.S./L.R. Dag No. 1362/1742.

Heard the learned advocate appearing for the State.

A copy of the plaint in Title Suit No. 678 of 2024 (Partition) has been supplied by the learned advocate for the private respondents which is taken on record.

After going through the plaint of the said suit this Court finds that the petitioners as plaintiffs filed the said suit against the private respondents herein for partition in respect of the property being R.S./L.R. Dag No. 1362/1742. Thus it appears that there is a dispute between the petitioners and the private respondents inter se with regard to their occupation and possession in respect of R.S./L.R. Dag No. 1362/1742. Pendency of a suit for partition before the civil court of competent jurisdiction has been suppressed by the petitioners. Filing

of the earlier writ petition and the order of dismissal have also been suppressed by the petitioners. That apart the dispute between the petitioners and the private respondent is purely civil in nature. Petitioners have filed a writ petition to evict the petitioners from the property which is the subject matter of the civil suit. A writ petition cannot be entertained to evict a private party from a portion of a raiyati property.

For all the reasons as aforesaid, this Court is not inclined to grant any relief to the petitioners.

Accordingly, WPA 9590 of 2026 stands dismissed.

There shall be however no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)