

March 11, 2026
(46) ARDR

WPA 9398 of 2025

Subimal @ Ashok Bera
Vs.
The State of West Bengal & ors.

Adv. Samiran Giri,
...for the petitioner.
Adv. Sunny Nandy,
Adv. Purnendu Maity,
Adv. Manmohan Singh Roop Ray,
...for the respondent no.10.
Adv. Lalit Mohan Mahata,
Adv. Ziaul Haque,
...for the State.

Affidavit of service filed by the petitioner is taken on record.

None appears for the Panchayat despite service.

Learned counsel for the petitioner submits that despite the petitioner purchasing the land in question from the 10th respondent who is his brother, the said respondent is attempting to raise construction in the property illegally.

Learned counsel for the private respondent produces a copy of the order passed by the learned Executive Magistrate, Egra on 20th March, 2025 directing this petitioner not to disturb the process of construction of the house of the private respondent by replacing the old one.

The writ petition has been filed on 22nd April, 2025. However, it cannot be ascertained whether the order passed by the learned Executive Magistrate was communicated to the petitioner prior to filing of the writ petition.

In any event since the allegation of the petitioner is that the private respondent is attempting to raise construction in his property illegally, the dispute between the parties is essentially civil in nature. The petitioner is at liberty to approach the appropriate civil forum for redressal of his grievance.

The writ petition is not maintainable and is accordingly dismissed.

There shall however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)