

23.02.2026
Court No.13
Item No.15
pk

MAT 1527 of 2025
CAN 1 2025
CAN 2 of 2025

Kuntal Roy and others
Vs.
The State of West Bengal and others

Mr. Tanmoy Chattopadhyay,
Mr. Jay Laha

...for the appellants.

Mr. Jayanta Samanta,

... for the State.

1. The appeal is directed against order dated 9th July, 2025. The grievance of the writ petitioners/appellants is that the Dalkhola Municipality has allegedly encroached upon the land of the appellants and has constructed a crematorium.
2. Counsel for the appellants/petitioners seeks eviction of the Municipality from the said land or compensation in lieu thereof.
3. Reliance is placed by the counsel for the appellants on the judgment of the Supreme Court in the case of **Syed Maqbool Ali Vs. State of Uttar Pradesh and another** reported in **(2011) 15 SCC 383**.
4. The Single Bench was of the view that the appellants are required to file a civil suit to seek remedies in a writ petition as there are disputed questions of facts involved.
5. This Court is in complete agreement to the views of the Single Bench. The decision of the Supreme Court in

the case of Syed Maqbool Ali (supra) would have no manner of application in the facts of the case as in the said case acquisition proceedings were formally initiated by the State Authorities.

6. In the instant case, apart from encroachment there does not appear to be any proceeding for acquisition of the appellants' property.
7. Having regard to the above decision, this Court is of the view that it will be open to the writ petitioners to seek remedies in a civil or statutory forum in accordance with law.
8. The impugned order calls for no interference.
9. Accordingly, the instant appeal is dismissed. Consequently, connected pending applications are also dismissed.
10. There will be no order as to costs.
11. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Md. Shabbar Rashidi, J.)