

16.01.2026
Sl No.1
Ct. No.15
S.A.

WPA 25271 of 2024

Daud Ali Molla

-vs-

State of West Bengal & Ors.

Mr. Pankaj Halder
Ms. Seuli Banerjee
Ms. Dippanwita Laha

..for the petitioner

Mr. Atarup Banerjee
Mr. Bapin Baidya
Mr. Sandipan Maity
Mr. Rajdeep Pramanik
Ms. Simika Ray

..for private respondent no.10

Mr. S. Gayen

...for respondent no.8

Mr. K. M. Hossain
Mr. S. M. Rahaman

..for the State

The petitioner alleges unauthorised construction at the behest of Respondent No. 10. It is submitted that Respondent No. 10 has constructed a shop room on Plot No. 4146, J.L. No. 91, Mouza-Gardoani, Jaynagar-II, District-South 24 Parganas without any sanctioned plan from the Panchayat.

It is further alleged that, in raising such construction, the classification of the land was not converted from "Sali" to "Bastu."

Learned advocate appearing on behalf of Respondent No. 10, on the other hand, submits that Respondent No. 10 purchased the relevant land in the year 2023 by a registered sale deed from one Karim Box and thereafter constructed the shop room. It is

contended that Plot No. 4146 has long been used as a hut land. Apart from the shop room of Respondent No. 10, at least 200 other shop rooms exist on the said plot. It is also submitted that even prior to the filing of the writ petition, Respondent No. 10 had completed construction of the shop room.

It appears from the petitioner's representation that he claims ownership over the relevant land. According to him, he purchased the land from "Bakultala Natunhat Welfare Committee" and thereafter possessed the same by raising a temporary structure. The said temporary structure was destroyed by a storm. Owing to paucity of funds, he could not repair the shop room, and taking advantage of the situation, Respondent No. 10 allegedly constructed a building forcefully without obtaining any permission from the Panchayat.

From the photographs produced by the parties, it appears that the shop room in question has already been constructed and that there are numerous other shop rooms on the said plot. I find substance in the submission of learned advocate for Respondent No. 10 that the plot in question has, in practice, long been used as hut land, with several permanent shop structures existing thereon.

No documentary evidence has been produced before this Court to establish that the petitioner has

any valid title over the plot in question. This Court, however, is not in a position to adjudicate upon the title of the parties in respect of the said plot.

The petitioner cannot be permitted to impart a public law colour to a dispute which is essentially civil in nature, particularly at such a belated stage. The writ court cannot be utilised as an alternative forum to secure indirectly what is not obtainable directly in a civil proceeding.

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

This order, however, shall not preclude the petitioner from instituting a civil suit before the competent court for adjudication of his alleged right, title, and interest.

Accordingly, **WPA 25271 of 2024** 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.)