

06.01.2026
Sl No.2
Ct. No.15
S.A.

WPA 25682 of 2025

**Rokaya Begum
-vs-
The State of West Bengal & Ors.**

Mr. Mrinal Kanti Ghosh
Ms. Bipasha Bhattacharyya
...for the petitioner
Mr. Masrur Ahamed
...for respondent nos.7 & 8

Learned counsel appearing for the petitioner alleges that respondent nos. 7 and 8 have undertaken unauthorised construction on a land classified as “pukur par” (bank of a pond). It is submitted that such construction has been carried out without obtaining any permission from the concerned Panchayat.

Learned counsel for the petitioner places reliance upon information obtained under the Right to Information Act from the Panchayat to contend that no permission was granted for undertaking the said construction.

Learned counsel appearing for respondent nos. 7 and 8, on the other hand, submits that respondent nos. 7 and 8 had earlier instituted a title suit before the competent Civil Court seeking declaration of their right, title, and ownership over the land in question, which was decreed in their favour. The petitioner

preferred an appeal against the said decree, which was also dismissed.

It is further submitted that in the year 2023, the daughter of the petitioner instituted another title suit, being T.S. No. 286 of 2023, before the learned Civil Judge (Junior Division), 2nd Court at Bolpur, and by an order dated March 19, 2024, the learned Court granted an injunction restraining the parties from changing the nature and character of the suit premises.

In view of the aforesaid facts and circumstances, this Court is not inclined to pass any order in the present writ petition. The petitioner has already initiated proceedings before the Civil Court in respect of the selfsame construction. Learned counsel for the petitioner has also submitted that an application alleging violation of the said injunction has been filed.

After about two years from the date of institution of the suit, this Court is not inclined to permit the petitioner to prosecute the present writ petition as a surrogate proceeding to challenge the construction on the ground of absence of sanction. This, however, shall not preclude the petitioner from seeking appropriate relief before the competent Civil Court in accordance with law.

Accordingly, **WPA 25682 of 2025** 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.)