

13.01.2026
Sl No.7
Ct. No.15
S.A.

WPA 25878 of 2025

Sk. Saidul Haque
-vs-
The State of West Bengal & Ors.

Mr. Dwijadas Chakraborty
Mr. Sk. Sujauddin
...for the petitioner
Mr. Shushanto Pal
Ms. Sharmila Deb
...for the State

Let the affidavit of service filed by the petitioner be kept with the records.

The petitioner claims ownership in respect of LR Dag No. 1, JL No. 113, Balipur Gram Panchayat, Khanakul, Hooghly. It is the petitioner's case that respondent no. 7 has constructed a residential building on the land allegedly owned by him without obtaining any permission from the Panchayat authority.

Respondent no. 7 is not represented.

The record of rights annexed to the writ petition reveals that LR Dag No. 1 measures about 0.18 decimals, out of which 0.05 decimals of land stands recorded in the name of the petitioner as a raiyat. It is not the petitioner's case that his share in the said property has been partitioned by metes and bounds.

The writ court is not the appropriate forum to adjudicate upon the question as to whether respondent no. 7 has any right to construct the

building in question on a land which is neither demarcated nor partitioned. Further, from the photographs produced by the petitioner, it appears that the structure of a single-storied building had already been constructed even prior to the filing of the writ petition.

The petitioner had earlier approached the concerned Executive Magistrate by invoking Section 163 of the Bharatiya Nagarik Suraksha Sanhita, 2023, which proceeding was subsequently dropped by the learned Magistrate.

It further appears that the dispute between the parties is purely civil in nature, wherein the petitioner alleges encroachment upon his land by the respondents. The petitioner cannot be permitted to give a public law colour to a dispute which is essentially civil in nature, particularly at such a belated stage. The writ court cannot be used 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 public law character to what is fundamentally a private conflict.

This, however, shall not preclude the petitioner from filing a civil suit before the competent forum seeking appropriate relief.

Accordingly, **WPA 25878 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.)