

Sl. No.34
06.01.2026
Suman
Ct. 15

WPA 26460 of 2025

Panta Mondal and Anr.
Vs.
The State of West Bengal and Ors.

Mr. Sumanta Chakraborty
..for the petitioners

Mr. Sourav Mitra
Mr. S. Bhattacharjee
..for the State

The petitioners allege that unauthorised construction has been carried out at the instance of respondent nos. 7, 8, and 9.

It is alleged that respondent nos. 7, 8, and 9 have raised an unauthorised construction by encroaching upon a portion of the road situated in front of their house. It is further alleged that the said building has been constructed without obtaining any sanctioned plan from the competent Panchayat authority.

The petitioners seek an order directing demolition of the said building.

From the photographs appearing at page 14 of the writ petition, it appears that the structure in question is a two-storied old residential building. The petitioners have consciously permitted the

construction of the said building to come up before their very eyes. After a considerable lapse of time, it is not open to the petitioners to seek demolition of the building on the ground that it was constructed without any sanctioned plan.

The representation submitted by the petitioners makes it evident that the real dispute between the parties is civil in nature.

The petitioners cannot cloak such a civil dispute with the colour of public law by invoking the writ jurisdiction of this Court.

Accordingly, **WPA 26460 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.)