

12 19-01-2026  
AKG  
Ct. 15

**WPA 26653 of 2025**  
**Apurba Santra**  
**Vs.**  
**The State of West Bengal & Ors.**

Mr. Tapas Kumar Dey,  
Mr. Ashis Kumar Dutta

...for the Petitioner

Mr. Subrata Dasgupta

...for the State

Ms. Deblina Chattoraj

...for Respondent No. 6

Mr. Suman Basu

...for Respondent No. 2

The petitioner alleges that unauthorised construction is being carried out at the behest of respondent no. 6. The petitioner claims to be the owner of an adjacent plot of land where respondent no. 6 resides.

It is the grievance of the petitioner that respondent no. 6 is undertaking construction without obtaining any permission from the Panchayat Authority.

Learned counsel appearing for respondent no. 6, on the other hand, has drawn the attention of this Court to the plaint filed in Title Suit No. 496 of 2025, pending before the Court of the Additional Civil Judge (Junior Division), Serampore, Hooghly. A plain reading of the plaint, along with the application for injunction filed therein, makes it evident that the petitioner has already instituted a title suit on the selfsame cause of action. The petitioner cannot be permitted to simultaneously pursue remedies before two forums in respect of the very same construction activity.

It further appears that the dispute between the parties is purely civil in nature, wherein the petitioner alleges encroachment upon his land by the respondent. The petitioner cannot be permitted to impart a public law colour to a dispute that is essentially private and civil in nature. The writ court cannot be invoked as an alternative forum to secure indirectly what is not obtainable directly in a civil proceeding.

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

Accordingly, **WPA 26653 of 2025** stands dismissed.

The dismissal of this writ petition, however, shall have no bearing on the pending civil suit between the parties.

Urgent certified *website* copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

**(Kausik Chanda, J.)**