

20.01.2026
Sl No.34
Ct. No.15
S.A.

WPA 27711 of 2025

Kingshuk Pati
-vs-
State of West Bengal & Ors.

Mr. Kaushik Dey
Mr. Debdipto Banerjee
...for the petitioner

Ms. Sipra Majumdar
Ms. Srilekha Bhattacharyya
...for the State

Mr. Falguni Bandyopadhyay
Ms. Sreetama Neogi
Ms. Riya Ballav
Mr. Aindrik Chatterjee
Mr. Tamal Mukhopadhyay
...for respondent no.4

The petitioner alleges that unauthorised construction has been carried out at the behest of respondent no. 4. It is contended that respondent no. 4 has constructed a residential building on land jointly owned by the petitioner and other co-sharers. The petitioner submits that he, along with the other co-sharers, instituted a Title Suit before the competent Civil Court seeking a declaration of their right, title, and interest in respect of the property in question, along with prayers for recovery of possession and permanent injunction.

It is further submitted that although the Civil Court decreed the suit in part by declaring the right, title, and interest of the petitioner and his co-sharers, the prayer for recovery of khas possession was

declined. Aggrieved thereby, the petitioner has preferred an appeal against the said decree, which is presently pending.

Before this Court, it is now contended that the building in question has been constructed without any sanctioned plan. The petitioner asserts that a representation was made before the Panchayat Authority seeking demolition of the said structure; however, no steps were taken in response. It is further contended that a reply furnished by the Panchayat Authority under the Right to Information Act, 2005 clarifies that the building does not have a sanctioned plan issued by the Panchayat.

Learned counsel appearing on behalf of respondent no. 4, on the other hand, submits that the plaint filed by the petitioner and his co-sharers before the Civil Court also contained a prayer for demolition of the impugned construction. The Civil Court having declined such prayer, the writ petitioner cannot be permitted to seek the same relief in the present writ petition.

The petitioner, having already availed of the appropriate civil remedy for redressal of his grievances, cannot be allowed to impart a public law character to a dispute that is essentially civil in nature, particularly at this belated stage. The writ jurisdiction of this Court cannot be invoked as an

alternative forum to indirectly obtain relief that could not be secured directly in civil proceedings.

The allegation concerning the absence of a sanctioned plan is inextricably linked with the underlying civil dispute and appears to have been raised merely to lend a semblance of a public law colour to what is fundamentally a private dispute.

It is, however, made clear that the dismissal of this writ petition shall have no bearing on the pending civil suit or the pending appeal between the parties.

Accordingly, **WPA 27711 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.)