

WPA 29227 of 2025

(Prabal Kanti C Chatterjee & Ors. Vs.
The State of West Bengal & Ors.)

Mr. Nilanjan Adhikari
Ms. Semanti Dey
Mr. Raja Nandy

.... For the petitioners

Mr. Ajit Kr. Mishra, Id. A.G.P.
Mr. Gopal Krishna Sarkar

.... For the State

Mr. Manas Kumar Das

.... For the respondent
no.7

The present writ petition has been preferred praying for a direction upon the concerned police authorities to remove the construction made by the private respondent on the subject land, by taking assistance from the other functionaries of the State authorities.

Mr. Adhikari, learned Advocate representing the petitioners, claims that, on the basis of a forged document, the private respondent got his name mutated in respect of the land in question, which is a pond in nature.

He further submits that, without following the due process of law, the private respondent illegally filled up the said pond and constructed a boundary wall exceeding the prescribed height, in violation of the provisions of the West Bengal Panchayat Act and the applicable building rules.

He submits that a mass petition was presented before the prescribed authority under Section 50(1)(f) of the West

Bengal Land Reforms Act, 1955 and, on the basis of such mass petition, a case was initiated. The said case was disposed of upon holding that the private respondent had got his name recorded in respect of the land by producing a forged document.

He submits that a partition suit in respect of the same property is pending and that an order of status quo has been passed by the Court in which the suit is pending. However, ignoring the said interim order, the private respondent is continuing with the construction on the property.

He submits that these circumstances warrant the immediate intervention of this Court.

Mr. Das, learned Advocate appearing for the private respondent, vehemently refutes the contentions raised by the petitioners.

Drawing our attention to certain paragraphs of the writ petition, he submits that, in one part of the writ petition, it has been alleged that the construction is being carried out by encroaching upon the land used by certain persons for ingress and egress, while, at the same time, it has been contended that the entire construction is being undertaken in violation of the provisions of the West Bengal Panchayat Act and the applicable building rules.

However, he submits that, since the land is the subject matter of a partition suit, it would not be proper to entertain the present writ petition.

Mr. Mishra, learned Additional Government Pleader, appears on behalf of the State and submits that the present writ petition cannot be entertained.

Heard the learned advocates appearing for the respective parties and perused the materials on record.

Indisputably, Partition Suit No. 485 of 2024 is pending before the Court of the learned Civil Judge (Senior Division), Kandi, Murshidabad. The order dated 13th November, 2025 passed in the said suit indicates that, by way of an interim order, the Court directed the parties thereto to maintain status quo in respect of the suit property. We have also been informed that the property in question is the subject matter of the said partition suit. In view thereof, it would not be apposite to entertain the present writ petition.

Accordingly, the same is dismissed.

However, this order shall not preclude the petitioner from approaching the appropriate civil forum, if so advised, in accordance with law.

There shall, however, be no order as to costs.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, A.C.J.)