

In The High Court at Calcutta

In The Circuit Bench at Jalpaiguri

Appellate Side

Ct. No. 5 **05.03.2026**
JPD
Supple No. 1 SM

WPA 176 of 2026

Anand Thapa

Versus

The State of West Bengal & Ors.

Mr. Sattik Rout

Mr. Ravi Kr. Badha

.....for the petitioner

Mr. Hirak Barman

Mr. Sumit Kumar

.....for the State

1. The writ application has been preferred praying for direction upon the respondents no. 2 to 10 to take immediate steps for demolition of the illegal structure standing on the parking space of the petitioner lying and situated at Mouza Kalam, J.L. No. 76, L.R. Plot No. 71, P.S. Matigara, District-Darjeeling-734012, on the eastern side of the plot of the petitioner.
2. It appears that the dispute in the present case is between the petitioner and the respondent no. 11 who are adjacent landholders.
3. The petitioner's case is that the respondent no. 11 is encroaching his property and as such it is stated that in spite of several complaints to the statutory authority being the respondents herein, no action has been taken.
4. On hearing the learned counsel for the parties and considering a report filed by the

State, it appears that the dispute between the parties is private in nature and admittedly a Civil Suit being Title Suit No. 102 of 2025 is pending between the petitioner and respondent no. 11 before the learned Civil Judge (jr. divn.), Siliguri and the dispute in the writ application is subject matter of the suit.

5. The writ application thus being not maintainable **stands dismissed**.

6. Photostat certified copy of this order, if applied for, be furnished expeditiously.

[Shampa Dutt (Paul). J]