

04.03.2021
SL No.129
Court No.24
(P.M.)

WPA 3092 of 2021

Bidhan Maity
Vs.
The State of West Bengal & Ors.

Mr. Avijit Chakraborty,
Mr. Raunak Basak
... for the petitioner

Mr. Syed Nasir Aejaz,
Mr. Pradip Ghosh
... for respondent No. 7.

Mr. Asish Kumar Guha,
Mr. N. Ghosh Dastidar
... for the State

The grievance of the petitioner is that the private respondent is making construction in the joint property of the parties without obtaining his consent.

It is the further contention that the construction is being made without obtaining any sanction plan.

The learned advocate representing the private respondent submits that the construction has been made in terms of the Pradhan Mantri Abhas Yojana Scheme (Gramin) and according to the said Scheme there is no requirement for obtaining a sanction plan for making the construction.

Admittedly the land where the construction has been made is the joint property of the parties. The dispute which the petitioner has raised in the instant writ petition is a private, civil dispute and the writ Court cannot decide the issue.

Accordingly, the writ petition WPA 3092 of 2021 stands dismissed.

However, dismissal of the writ petition will not stand in the way of the writ petitioner from approaching the appropriate forum, in accordance with law, for redressal of his grievances, if so advised.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)