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05.03.2021.
d.p.

**W.P.A 10067 of 2020
(Via Video Conference)**

**Swapan Kumar Choudhury
-versus
The State of West Bengal & Ors.**

**Mr. M. Dutta,
Mr. Lalratan Mondal.
...For the Petitioner.**

Affidavit-of-service filed in Court today is taken on record.

The petitioner alleges that the private respondents are making construction in the undivided joint property of the parties.

The respondent Nos. 6 and 7 are the family members of the petitioner and the respondent Nos. 8 and 9 are the transferees of the plot where the construction is being made.

The petitioner admits that a plan has been sanctioned in favour of the private respondents for making construction thereon.

The petitioner submits that his consent was not taken prior to sanction of the plan in the said premises.

The petitioner relies upon the provisions of the Panchayat Act, 1973 and Rule 17 of the West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004 in support of his case.

From the submissions of the parties it appears that the title of the property in question is disputed. The same cannot be resolved by the writ court under Article 226 of the Constitution of India.

Accordingly, WPA 10067 of 2020 stands dismissed.

Dismissal of the writ petition will however, not stand in the way of the petitioners from approaching the appropriate forum in accordance with law, if so advised.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)