

16.09.2022  
Court No. 19  
Item no.11  
CP

W.P.A. No. 17292 of 2021

Badal Naskar

Vs.

The State of West Bengal & Ors.

Mr. Gazi Faruque  
Mrs. Chandra Paul

.....for the petitioner.

Mr. Debasish Chattopadhyay

....for the State.

Mr. Sounak Bhattacharya  
Mr. Chandra Nath Sarkar  
Mr. Sounak Mandal

....for the respondent no. 8.

The petitioner alleges that the respondent no. 8 does not have any right, title and interest to construction on Plot Nos. 62 and 63 under the PMAY (G) Scheme.

The petitioner approached the panchayat authorities with a query as to whether any plan had been sanctioned in respect of such construction. The petitioner was informed by the panchayat authorities that as the construction was under a housing scheme, sanction of plan was not required.

The petitioner has challenged the title of the respondent no. 8 in respect of the plot in question.

Learned advocate for the respondent no. 8 submits that the dispute with regard to title has to be adjudicated by a competent civil court. He relies on a Division Bench judgment of this court dated August 28, 2017, passed in the matter of Yunus Laskar & ors. vs. The State of West Bengal & ors. (MAT 1265 of 2017). He also submits that the respondent no. 8 has the right, title and interest over the property in question by virtue of a registered deed. He further submits that the petitioner does not have any locus to file the writ petition as the petitioner does not claim rival title to the property.

Learned advocate for the petitioner submits that the property was purchased by the petitioner from the predecessor-in-interest of the respondent no. 8.

These disputes of title cannot be decided either by this court or by any other authority. The dispute with regard to the title has to be decided by an appropriate civil court, as both the parties claim right, title and interest on the basis of their respective deeds.

However, if the petitioner has any grievance with regard to the construction and violation of the eligibility criteria while granting the benefit to the respondents, the petitioner has the liberty to approach the appropriate authority. The said scheme

provides a mechanism for settlement of all grievances. The petitioner may approach the Block Development Officer, Joynagar-I Block with his allegations, and for settlement of the dispute by the appropriate forum under the scheme. The BDO will refer the matter to the forum. If there is no forum in place, the BDO will decide the issue.

The issue that will be decided is whether the respondent no. 8 had fulfilled the eligibility criteria as per the scheme. The dispute between the parties with regard to title and the claims of the parties on the basis of their rival deeds, cannot be gone into by the Block Development Officer. Who has a better title, shall not be adjudicated.

All parties shall be granted a hearing and allowed to furnish their respective documents.

A reasoned order shall be passed and communicated to the petitioner.

The entire exercise shall be completed within a period of three months from the date of communication of this order.

A copy of the writ petition along with a server copy of this order be served upon the concerned Block Development Officer for necessary compliance of this order.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

**(Shampa Sarkar, J.)**