

24.03.2025
Sl. No.79
akd

W. P. A. 3005 of 2025

[Sushanta Kumar Nandy Chowdhury -Vs- The State of West Bengal &Ors.]

Mr. B. N. Ray
Ms. Shetparna Ray
... .. for the petitioner

Mr. Sirsanya Bandyopadhyay
Mr. Arka Kumar Nag
Mr. Tirthankar Dey
... .. for the BMC

Mr. Joydip Banerjee
Mr. Prabir Kumar Ray
... .. for the State

1. The petitioner has preferred the present writ petition against the alleged unauthorized construction activities undertaken by the Bidhannagar Municipal Corporation on the premises claimed to be owned by the petitioner.

2. It is the case of the petitioner that he had inherited the property of his grandfather situated at Dist – North 24 Parganas, P.S. – presently Baguihati, Mouze – Krishnapur, J.L. No.- 17, Plot Nos. – (C.S.) 3148, 3149, R.S. 70 and 71 Classified as ‘Danga’ and ‘Doba’ respectively measuring area 2.64 decimal and 95 decimal, by way of inheritance. The said land was never acquired by the Government. However, recently the petitioner has come to know and found that one Sign Board has been illegally affixed on his land without his consent. The petitioner has made a representation to all the concerned authorities including authorities of Bidhannagar Municipal Corporation about such an unauthorized action and to take immediate steps in this regard. However, the aforesaid representation of the petitioner has neither been responded by any of the authorities nor any

action has yet been taken in this regard including stoppage of unauthorized construction.

3. Learned Advocate for the petitioner submits that the respondent no.2 has misrepresented the facts and the land belongs to his client.

4. This court has carefully heard the arguments advanced by both the parties and has examined the documents placed on record.

5. By an earlier order dated 20.03.2025 this court had recorded that the learned Advocate for the State-respondent had disputed the contention of the petitioner and had stated that the present land belongs to the Government. A report substantiating this claim was also placed before the Court and shared with the learned Advocate for the petitioner for seeking further instructions.

6. Since both the parties are opposing each other and it is a disputed question of fact whether the land belongs to the petitioner or the State. The resolution of the said dispute requires elaborate evidence, and the said exercise cannot be done by this Court while exercising its writ jurisdiction. It is well settled proposition of law that question of title can be decided only in Civil Court and not in Writ Court (**Shalini Shyam Shetty Vs Rajendra Shankar Patil 2010 (8) SCC 329**).

7. In view of the fact that the present writ petition involves disputed question of facts related to the title of the property in question, this court does not wish to exercise its discretionary power under article 226 of the constitution of India and thus the present writ petition is dismissed.

8. The petitioner is at liberty to challenge the said order in accordance with law.
9. There shall be no order as to costs.
10. Let urgent Photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Gaurang Kanth, J.)