

620 13-11-2025
AKG
Ct. 15

WPA 3661 of 2025

**Sutap Ghosh @ Satyabrata Ghosh & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Subrata Ghosh

...for the Petitioners

Mr. Srijan Nayak,
Mrs. Rituparna Maitra

...for the State

Let the report filed by the State be kept with the records.

The petitioners allege that respondent No. 8 has constructed a residential building on a plot of land owned by the petitioners. It is further submitted that no permission was obtained from the Panchayat Authority prior to the commencement of such construction.

It is, however, an acknowledged fact before this Court that the said house has been constructed under the Bangla Awas Yojana, a housing scheme introduced by the State Government. The scheme prescribes a model building plan for the construction of residential houses. It is the common stand of the Panchayat Authority before this Court that, where construction is undertaken in accordance with the said model plan, a separate sanctioned plan from the Panchayat Authority is not generally insisted upon.

With regard to the allegation of encroachment,

this Court is of the considered view that such a disputed question of fact cannot appropriately be adjudicated in the exercise of writ jurisdiction.

Accordingly, this writ petition is disposed of, granting liberty to the petitioners to approach the competent Civil Court for redressal of their grievance, if so advised.

Consequently, **WPA 3661 of 2025** stands disposed of.

Urgent certified *website* copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)