

241 19-09-2025
AKG
Ct. 15

WPA 4467 of 2025

**Shikha Choudhury
Vs.
State of West Bengal & Ors.**

Mr. Bharat Ch. Simai,
Mr. Snehasis Jana

...for the Petitioner

Mr. Lalit Mohan Mahata,
Mr. Prasanta Behari Mahata

...for the State

Mr. Santimoy Bhattacharya,
Mr. Ziaul Haque

...for Respondent Nos. 2 & 3

By filing this writ petition, the petitioner alleges that respondent nos. 10 to 12 have made unauthorised constructions over a waterbody and on the Panchayat Road adjacent to L.R. Plot No. 207, L.R. Khatian No. 323, Mouza Ramgarh, Police Station Chandrakona, Chandrakona Block II, Kaupur No. 4 Gram Panchayat.

It appears that the allegations raised by the petitioner had already been considered by the Gram Panchayat on November 21, 2024, in compliance with an order dated June 25, 2024, passed in WPA 15354 of 2024 (Sikha Choudhury vs. The State of West Bengal & Ors.), filed earlier at the instance of the petitioner.

The Panchayat found that respondent nos. 10 to 12 had constructed temporary shop rooms approximately 42–45 years ago, and that the said shop rooms do not obstruct

the petitioner's ingress or egress.

It was also observed that respondent nos. 10 to 12 are impoverished individuals and that the shop rooms are their sole source of livelihood.

The learned advocate appearing for the petitioner contends that respondent nos. 10 to 12 have encroached upon government land.

I am of the view that such a disputed question of fact which cannot be adjudicated in a writ petition under Article 226 of the Constitution.

The petitioner shall be at liberty to approach the appropriate Civil Court for redressal of her grievance.

With the aforesaid observation, **WPA 4467 of 2025** is 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.)