

22.12.2025
Sl No.149
Ct. No.15
S.A.

WPA 6434 of 2025

Sk. Amir Ali

-vs-

State of West Bengal & Ors.

Mr. Abdus Salam

...for the petitioner

Mr. Sougata Mitra

Ms. Soma Chakraborty

...for the State

Learned counsel appearing for the petitioner submits that respondent no. 10 has constructed a building by encroaching upon a portion of land owned by the petitioner and without obtaining any sanctioned building plan from the Panchayat Authority.

The representation submitted by the petitioner before the competent authority indicates that the building in question has been constructed under the Bangla Awas Yojana. A dwelling unit constructed under the Bangla Awas Yojana does not require prior sanction of a building plan from the Gram Panchayat in view of the first proviso to Rule 19(1) of the West Bengal (Gram Panchayat Administration) Rules, 2004.

Insofar as the allegation of encroachment is concerned, this Court is of the view that a writ court is not the appropriate forum to adjudicate such a disputed question of fact.

The petitioner is, however, at liberty to approach the competent forum for redressal of his grievance in accordance with law.

Accordingly, **WPA 6434 of 2025** is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)