

A586

03-12-2025

AKG

Ct. 15

WPA 11753 of 2024

Sanowar Mallick & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Shahan Shah,
Mr. Sirajul Haque Mondal

...for the Petitioners

Mr. Santanu Kr. Mitra,
Mr. Samrat Pal

...for the State

It is the grievance of the petitioners that encroaching their lands, respondent nos. 7 and 8 has undertaken unauthorised construction on Plot No. 2560, J.L. No. 18, P.S. Khondoghosh, District Purba Burdwan.

The record of rights annexed at page 16 of the writ petition indicates that Dag No. 2560 measures approximately 0.3 acres, of which respondent no. 7 owns 0.1 acres.

This Court is not satisfied as to the bona fides of the petitioners as it appears that the true issue between the parties pertains to the alleged encroachment of land.

The Court also notes that the allegation of absence of a sanctioned plan is a mere assertion unsupported by any document or specific pleading. The petitioners have not bothered to obtain any information from the Panchayat Authority nor furnished particulars indicating that no plan was sanctioned or that any statutory

violation has actually occurred.

In the present case, the petitioners' own representation discloses that their principal grievance pertains to alleged encroachment over private land—an issue that necessarily requires adjudication of disputed questions of title and boundary, which this Court cannot undertake in writ jurisdiction. The allegation regarding absence of a sanctioned plan is, therefore, inseparably intertwined with the underlying civil dispute and appears to have been urged only to give the writ petition the colour of a public law remedy.

Therefore, I am not inclined to entertain this writ petition. However, this shall not preclude the petitioners from approaching the competent civil court for adjudication of the alleged encroachment.

Accordingly, **WPA 11753 of 2024** 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.)