

10.12.2025
Sl No.3
Ct. No.15
S.A.

WPA 25173 of 2025

Mahim Gayen & Ors.

-vs-

The State of West Bengal & Ors.

Mr. Supriyo Chattopadhyay

Mr. Sudip Kumar Maiti

Ms. Debasree Chatterjee

...for the petitioner

Mr. Khairul Alam

...for the State

Mr. Soumik Ganguli

...for respondent nos.7 to 9

The petitioners allege that respondents nos. 7 to 9, who are their co-sharers in respect of L.R. Plot Nos. 303, 304 and 305 under J.L. No. 690, Mouza-Gopalpur, Police Station-Junput Coastal, Purba Medinipur, have undertaken unauthorized construction on the said plots.

It is alleged that respondents nos. 7 to 9 commenced construction without obtaining any permission from the Panchayat Authority. It is further alleged that, in the course of such construction, a portion of the petitioners' land has been encroached upon.

Mr. Ganguli, learned advocate appearing for respondents nos. 7 to 9, submits, on the other hand, that the construction in question has been undertaken under the Banglar Awaas Yojana, a housing scheme introduced by the State Government for shelterless persons.

This submission is not disputed by the learned advocate for the petitioners.

In my view, a residential construction undertaken pursuant to the Banglar Awaas Yojana does not require prior permission from the Panchayat Authority, in view of the first proviso to Rule 19(1) of the West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004.

With regard to the allegation of encroachment, it appears that a civil suit between the parties is already pending. This Court is not the appropriate forum to adjudicate the issue of encroachment.

The petitioners shall be at liberty to take appropriate steps in connection with the pending civil suit before the competent Civil Court.

Accordingly, **WPA 25173 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.)