

14.01.2026
ML.715
Ct. No.15
Suman

WPA 2354 of 2025

Mahadev Das
-vs-
The State of West Bengal and Ors.

Mr. Dhiraj Trivedi, Sr. Adv.
Mr. Balaram Sardar
Mr. Emon Bhattacharya
Mr. D. Shaw
..for the petitioner

Mr. Lalit Mohan Mahata, AGP
Mr. Prasanta Behari Mahata
..for the State

Mr. Ashim Kumar Routh
Mr. Subhayan Barik
..for respondent nos. 5 to 8.

The petitioner seeks cancellation of a sanctioned plan granted in favour of respondent no. 5 for construction of a building on L.R. Plot No. 1021, Mouza-Jatragachi, P.S. Eco Park, J.L. No. 24, North 24 Parganas.

The petitioner claims ownership over the plot in question.

It is submitted by learned counsel appearing for the petitioner that the sanctioned plan was obtained from the Panchayat by suppressing the fact that the petitioner is one of the co-sharers of the said plot.

Learned counsel representing respondent nos. 5 to 8, on the other hand, submits that the

petitioner has already instituted Partition Suit No. 158 of 2024 before the learned Civil Judge (Senior Division), First Court at Barasat. In the said partition suit, an order of injunction has been passed restraining respondent nos. 5 to 8 from raising any construction.

Respondent nos. 5 to 8 preferred an appeal against the said injunction order. It is acknowledged by learned counsel for respondent nos. 5 to 8 that no order of stay has been granted by the appellate court till date. It has been specifically submitted before this Court that, in view of the injunction passed by the competent civil court, respondent nos. 5 to 8 have not undertaken any construction pursuant to the sanctioned plan granted by the Panchayat.

The issue of validity of the sanctioned plan is intertwined with the issue of right, title and interest of the parties involved in this writ petition.

The right, title, and interest of the parties can only be adjudicated by the civil court.

In that view of the matter, this writ petition is not entertained. It is, however, clarified that the petitioner shall be at liberty to file an appropriate application before the civil court in connection with the pending civil suit. Depending on the

outcome of application, the Panchayat shall take a final decision with regard to the sanctioned plan in question.

Accordingly, **WPA 2354 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.)