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jdt. 05.03.2026
jb.

WPA 2646 of 2026
(Jagannath Giri vs. State of West Bengal & Ors.)

Mr. Amit Baran Dash
Ms. Ankana Sarkar
.... For the Petitioner
Md. Ahsanuzzaman
Mr. Tapas Ballav Mandal
.... For the State
Mr. Supriyo Chattopadhyay
Mr. Sandip Kr. Maiti
Ms. Debasree Chatterjee
.... For the Respondent no. 10

Affidavit of service filed on behalf of the petitioner is taken on record.

The Panchayat is not represented despite service.

The petitioner and the private respondent are co-sharers in respect of the plot in question. The petitioner alleges that though the plot has been classified as 'Jal', the private respondent has raised construction on the entire plot without conversion of the same and also without obtaining necessary permission from the concerned authority. A partition suit is pending between the parties wherein learned trial Court has granted an order of status quo upon both the parties.

Refuting such allegation, learned counsel for the private respondent submits that the construction has been made under the 'Banglar Awas Yojana' scheme.

I have heard the rival submission of the parties. It is not in dispute that the private respondent has raised construction under the 'Banglar Awas Yojana' scheme which is a housing scheme introduced by the Government of West

Bengal. It is also not in dispute that no prior sanction is required for raising such construction under the scheme. The allegation of encroachment upon a portion of the petitioner's land shall be dealt with by the learned trial Court in the pending partition suit.

Since nothing further remains to be adjudicated in the present application, the same is disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)