

17
jdt. 08.05.2026
jb.

WPA 6843 of 2026
(Mosrakul Mallick vs. State of West Bengal & Ors.)

Mr. Prasenjit Mukherjee
Ms. Babita Pramanick
.... For the Petitioner
Mr. Ravi Ranjan Kumar
Ms. Shreejita Sem
.... For the Respondent nos. 7 to 9

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

None appears for the Panchayat and the State despite service.

The petitioner alleges that despite being granted permission for construction in his plot in terms of the building plan sanctioned by the concerned Panchayat, the private respondents in connivance with the Panchayat are resisting him from raising construction.

Learned counsel for the private respondents submits that the plot in question is an undivided property belonging to the parties and a partition suit is pending.

It appears that permission for construction has been granted by the Pradhan, Aniya Gram Panchayat. However, photocopy of the building plan does not bear the signature of any Panchayat authority. The copy of the plan, in fact, does not demonstrate that it has been sanctioned by the Panchayat. Also, since the petitioner alleges that he is being restrained from raising construction by the private respondents as well as the Panchayat in spite of permission granted by the Panchayat and obtaining sanctioned building plan, remedy of the petitioner lies before the civil Court.

The petitioner is at liberty to approach the appropriate civil forum for redressal of his grievance.

The writ petition is dismissed, being not maintainable, for the above reasons.

There shall, however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the writ petition are deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)