

22.06.2026
Court No. 12
Item No. 29
Sandip

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

F.M.A. 712 of 2026
I.A. No : CAN 1 of 2026

Shyama Prasad Chatterjee & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Bidyut Kr. Halder,
Mr. Indranil Halder
.....for the appellants.
Ms. Susmita Saha Dutta, AGP,
Ms. Tanusree Ghosh
....for the State.
Mr. Hare Krishna Halder
....for the respondent no. 6.

- 1) The appeal arises out of an order dated May 13, 2026 passed by a learned single Judge of this Court in W.P.A. 9616 of 2026.
- 2) By the order impugned, the learned single Judge held that the dispute between the parties was civil in nature and the appellants should approach the civil Court for redressal of their grievance.
- 3) Mr. Halder, learned advocate for the appellants submits that the learned Judge failed to appreciate the grievance of the appellants. The panchayat authorities should have been directed to protect the ingress and egress of the appellants in respect of their own land. A valuable right of the appellants was denied. He prays for reference of the dispute to the panchayat authority for actions under the provisions of the West Bengal Panchayat Act, 1973.

4) The learned advocate for the respondent nos. 5 and 6 submits that the land has been already sold to third parties, a year ago, and as such, the transferees were necessary parties to the proceeding.

5) We have considered the allegation of the appellants in the representation made before the panchayat authorities. According to the appellants, private parties had been raising construction on the land of the appellants. The appellants had inherited the land from their predecessor-in-interest. A prayer was made before the panchayat authorities to take steps against those private individuals, in order to prevent construction on the land of the appellants. The allegation of the appellants was that, some individuals were constructing on their land. The dispute as to whether the land belongs to the appellants or the persons who were constructing, cannot be decided by the panchayat authority. The panchayat authorities cannot decide questions relating to title and encroachment.

6) Under such circumstances, Her Lordship was rightly of the view that the said dispute should be decided by the appropriate civil Court.

7) We do not find any illegality in the order impugned. Her Lordship granted liberty to the appellants to approach the civil Court.

8) Needless to mention, if such proceeding is initiated, the same shall be decided in accordance with law including the issues with regard to limitation etc.

9) As the gram panchayat is not empowered by the statute to decide the issue of right, title

and interest, no direction could have been passed upon the authority, to take steps on the allegation of encroachment and forceful construction on the land of the appellants.

10) Accordingly, the appeal and the connected application are dismissed.

11) Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Shampa Sarkar, J.)

(Ajay Kumar Gupta, J.)