

WPA 19626 of 2024

Rinku Ranu
Vs.
The State of W.B. & Ors.

Mr. Sarbananda Sanyal
Mr. Hamidur Rahaman
Mr. Parvej Islam ...for the petitioner.

Mr. Soumyajit Das Mahapatra
Mr. Somnath Adhikari
Ms. Madhurai Sinha
Ms. Upasana Banerjee
Ms. P. P. Mandal
Mr. Bisal Roy ...for the private respondent no.8.

Mr. Madhu Jana
Ms. Puja Sonkar ...for the State.

The petitioner alleges that the private respondent is raising construction in the plot in question without obtaining sanction from the concerned Panchayat. The private respondent, on the other hand, submits that the construction/residential building is in existence for the last 12-13 years.

The petitioner claims to be the owner of plot no.455/1601 whereas the inspection report submitted by the Revenue Officer, Raninagar-I, Murshidabad demonstrates that the said plot is occupied by the private respondent by raising a two-storied building therein before about 13 years.

According to the private respondent, he purchased the plot with a structure standing thereon. However, the

title deed of the private respondent does not reflect the same. The CS record indicates that plot no.455 is a 'Bari'/ 'Dalan'. The private respondent has been granted a building plan by the concerned Panchayat in 2025 and seeks to raise construction in terms of the said plan in plot no.455.

These submissions made on behalf of the parties pertain to factual disputes which need to be resolved by way of evidence. The writ court, in exercising extraordinary jurisdiction under Article 226 of the Constitution of India, cannot deal with such factual issues and therefore relegates the petitioner to the civil court for consideration of the same.

The writ petition is disposed of accordingly.

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.)