

Sl. No.ML698
08.01.2026
Suman
Ct. 15

WPA 22456 of 2024

Sk. Harun Mostofa and Ors.
Vs.
The State of West Bengal and Ors.

Mr. Kanai Lal Samanta
...for the petitioners

Mr. Salil Kumar Maiti
Ms. Dolon Samanta
Mr. Subhajay Panja
..for respondent nos. 9 12, and 13.

By filing the present writ petition, the petitioners allege that a concrete Panchayat road has been constructed by encroaching upon a portion of Plot No. 1136, J.L. No. 104, Mouza Gopalpur, District Purba Medinipur.

The representation submitted by the petitioners, as annexed to the writ petition, indicates that the petitioners claim ownership over Plot No. 1136.

However, on the petitioners' own showing, the information furnished to them under the Right to Information Act, 2005 by the Joint Block Development Officer, Mahishadal Development Block, District Purba Medinipur, as appearing at page 45 of the writ petition, suggests that no road has been constructed on Plot No. 1136.

Learned counsel appearing for the petitioners nevertheless submits that a portion of Plot No. 1136 has been encroached upon by the Panchayat authority while constructing the road.

This Court is of the view that the issue of encroachment, as alleged by the petitioners, involves disputed questions of fact which cannot be adjudicated in the present writ petition.

Accordingly, this writ petition is not entertained.

This order, however, shall not preclude the petitioners from instituting a civil suit before the competent court seeking appropriate relief, if so advised.

Accordingly, **WPA 22456 of 2024** stands 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.)