

WPA 26620 of 2024

Samir Ali Pathan
Vs.
The State of W.B. & Ors.

Mr. Tanmoy Chowhdury
Ms. Ritoprita Ghosh ...for the petitioner.

Mr. Siddhartha Sarkar
Mr. Sourav Gupta ...for the respondent nos.8 & 9.

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

The petitioner alleges that the private respondents have raised construction without obtaining sanction from the concerned Panchayat. Though the private respondents claim that sanctioned building plan was granted in their favour in 2024, the alleged construction has been raised in 2023 which shall appear from a complaint lodged by the petitioner before the Pradhan, Gopinathpur Gram Panchayat on 2nd August, 2023.

The private respondents deny and dispute the allegation raised by the petitioner and submit that the construction has been raised after obtaining sanctioned building plan from the concerned Panchayat in 2024.

In order to ascertain whether construction has been raised in 2023 or 2024 after obtaining the sanctioned building plan evidence is required to be adduced. The issue involves several disputed questions of fact which

cannot be adjudicated by this Court in exercising jurisdiction under Article 226 of the Constitution of India.

The petitioner is relegated to the Civil Court for redressal of his grievance.

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.)