

Item-
38. 20-03-2026

sg Ct. 19

WPA 29037 of 2025

Santosh Bera & Ors.

Versus

The State of West Bengal & Ors.

Mr. Mrinal Kanti Ghosh

Mr. Katrik Chandra Kapas

...for the petitioners

Mr. Ayan Banerjee

Mr. Arun Kumar Ghosh

...for the State

Mr. Uday Narayan Betal

Mr. Bhaskar Hutait

...for the respondent no.10

The petitioners allege that the Panchayat authority through the private respondent filled up earth on the raiyati property of the petitioners, being Dag Nos. 1141 and 1142, within Mouza Sahapur, under Police Station Daspur, in the District of Paschim Midnapur and allowed construction of a pucca metal road on the property of the petitioners without initiating any proceeding for acquisition or requisition.

The petitioners claim to have submitted representation before various authorities dated 9th December, 2025 alleging that an attempt was made to construct a metal road on the property of the petitioners.

Pursuant to an order passed by this Court, a report has been filed by the Block Development Officer, Daspur-I Development Block dated 16th January, 2026. In the said report it has been specifically stated that Sri Dilip Jana i.e. the private respondent herein has been unlawfully occupying and using the petitioners' raiyati land for several years. The report further states that no permission has been given by any competent authority in favour of the private respondent for making an approach road on the property of the petitioners.

The petitioners allege that an approach road has been made over their property by the Panchayat authority through the private respondent. The respondent authorities have denied that they have issued any permission for construction of an approach road over the property of the petitioners. No material could be produced by the petitioner to show that the Panchayat authority has constructed any approach road over the property of the petitioner.

Thus, it appears that the dispute raised by the petitioners in this writ petition is purely a civil dispute between the petitioners and the private respondent. Such dispute between two private parties pertaining to an immovable property cannot be decided in a writ petition.

The writ petition accordingly stands disposed of by leaving the petitioners free to approach the appropriate forum in accordance with law.

If it is the case of the petitioners that the private respondent or any person is interfering with the possession of the petitioners in respect of the plots in question, it would be open for the petitioners to take appropriate steps in accordance with law for appropriate reliefs.

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

(Hiranmay Bhattacharyya, J.)