

April 10, 2026
(185) ARDR

WPA 27080 of 2025

Shyam Lal Hembram
Vs.
The State of West Bengal & ors.

Adv. Lutful Haque,
Adv. Ankita Khetry,
Adv. A. Khatun,
Adv. Mahesash Rasool,

...for the petitioner.

Adv. Palash Bapari,

...for the private respondents.

Adv. Sulagna Bhattacharya,

...for the State.

Affidavit in reply filed by the petitioner is taken on record.

The petitioner alleges that the private respondents are raising construction under Banglar Bari Gramin Prakalpa on plot no. 2597 which belongs to the petitioner. The private respondents are owners of plot no. 2592 which is adjacent to the petitioner's plot, despite which the building is being constructed by encroaching the petitioner's plot.

It appears from the field enquiry report submitted by the revenue inspector, Bijur I Gram Panchayat in connection with MP case no. 0977 of 2025 on 18th July, 2025 that out of fourteen decimals of land in plot no. 2597, the petitioner is the owner of five decimals of land and is also in possession of the same. The report further records that the private respondents have been raising construction under the scheme in a portion of the land beyond the said five decimals owned and occupied by the petitioner. The private respondents have however not been

able to produce any document in support of their title in respect of the said portion though they are in possession of the same.

Denying such contention, learned counsel for the petitioner submits that though the private respondents were granted permission to raise construction in plot no. 2592 owned by them, they have been raising construction in a portion of plot no. 2597 owned and occupied by the petitioner. The State has allowed such construction without verifying the title and possession of the land.

Since there is a dispute between the parties with regard to right, title, interest and possession in respect of the portion of the plot wherein the private respondents are raising construction and also as the petitioner denies and disputes the observation of the revenue inspector in the report dated 18th July, 2025 and claims title in respect of the land where the construction is being raised, this Court is of the view that the dispute between the parties is essentially civil in nature. The petitioner is at liberty to approach the appropriate civil forum for redressal of his grievance.

The factual aspect involved herein cannot be determined by this Court in exercising extra ordinary jurisdiction under Article 226 of the Constitution of India.

In view of the above, the writ petition is disposed of.

There shall however, be no order as to costs.

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

(Suvra Ghosh, J.)