IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

Ct.19 **14.10.26**
Item No.13 Sws.M

WPA 1527 of 2026

Bharat Chandra Mondal
VS.
The State of West Bengal & Ors.

Mr. Raj Kumar Sain
.....for the petitioner

Ms. Soma Chakraborty
Mr. Saikat Koley
.....for the respondent/State
Mr. Salil Kumar Maiti
Ms. Dolan Samanta
...for the pvt. Respondent Nos. 9 and 10

1. The writ petitioner, the respondent/State and the private respondent Nos. 9 and 10 are represented by their respective learned counsel.
2. By filing the instant writ petition, the writ petitioner has prayed for issuance of appropriate Writ/Writs against the respondent/authority more specifically the respondent No.3/authority, commanding him to remove the encroachment as allegedly made by the private respondents over the public land within the meaning of Section 2(7) of the West Bengal Public Land (Eviction of Unauthorised Occupants) Act, 1962 (the said Act in short).
3. At the time of hearing learned advocate appearing on behalf of the writ petitioner submits before this Court that it is the specific case of the writ petitioner

that the private respondents have erected an illegal structure over a public land, particulars of which has been mentioned in paragraph 3 of the instant writ petition, which is contiguous to the writ petitioner's Raiyati land, particulars of which has been mentioned in paragraph 2 of the instant writ petition in such a manner that on account of such illegal encroachment, the writ petitioner's access to his own land is seriously hampered.

4. It is submitted further that despite submission of the representation dated 27.12.2025 no action has been taken by the respondent/authorities and thus appropriate relief/reliefs may be granted to the writ petitioner in accordance with law.

5. Ms. Chakraborty, learned advocate appearing on behalf of the respondent/State in her usual fairness submits before this Court that the respondent No. 3/authority may be directed to consider the representation dated 27.12.2026 as submitted by the writ petitioner in accordance with law.

6. Per contra, Mr. Maiti, learned advocate appearing on behalf of the private respondent Nos. 9 and 10 submits before this Court that the allegation as made by the writ petitioner is frivolous and thus the writ petitioner is not entitled to the relief as prayed for.

7. On careful consideration of the entire materials as placed before this Court and after hearing the learned advocates for the contending parties, this Court while disposing the instant writ petition passes the following orders:

a) The respondent No.6/authority is directed to cause field verification/demarcation at the disputed plot after giving prior notice to the writ petitioner and the private respondents and shall submit demarcation report and/or field verification report with the respondent no.3/ authority positively within 30 working days from the date of communication of the server copy of this order.

b) The respondent no.3/ authority on receipt of the said demarcation report/field verification report from the respondent No. 6/authority shall serve notice upon the writ petitioner and the private respondents and shall give an opportunity to them to submit reply to such notice.

c) The respondent No. 3 /authority is further directed to consider the representation of the writ petitioner dated 27.12.2025 in accordance with law and in the light of the

demarcation report/field verification report as would be submitted by the respondent No. 6/authority as well as considering the reply of the private respondents and also of the writ petitioner, if there be any and thereafter shall pass a reasoned order and shall forthwith communicate the same to the writ petitioner and the private respondents.

d) It is further directed that in the event, while passing the reasoned order, the respondent No. 3/authority finds that an encroachment took place over the public land, particulars of which has been mentioned in paragraph 3 of the instant writ petition, he is directed to initiate a proceeding under Section 7(4) of the said Act, soon thereafter and shall remove the encroachment in accordance with law.

8. The entire exercise, as indicated in the forgoing paragraphs, is to be completed by the respondent no.3/ authority positively within forty-five working days from the date of receipt of the demarcation report from the respondent No. 6/authority.

9. The time limit as fixed by this Court is peremptory and mandatory.

10. With the aforementioned observations, the instant writ petition is **disposed of.**

11. Liberty is given to the learned advocate-on-record for the writ petitioner to communicate the server copy of this order both to the respondent Nos.3 and 6, who are directed to act on the server copy of this order.

12. Before parting with, it is however made clear that while disposing the instant writ petition, this Court has not gone into the merits of the representation dated 27.12.2025 and, thus, all points are kept open for adjudication by the respondent no.3/ authority.

13. Urgent Photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen , J.)