09.10.2026
Sl. No. 11 (DL)
Ct.No.19
(Susanta)
(Bench I.D. 266052)

WPA 21665 of 2026

Kinkar Betal
Vs.
The State of West Bengal & Ors.

Mr. Dyutiman Banerjee,
Mr. Salil Kumar Maity,
Mr. Souparno Malakar,
... For the Petitioner.

Mr. Dinesh Chandra Singh,
Ms. Shreyasi Bhaduri,
... for the State.

Mr. Nishant Kumar,
... for the private Respondent Nos. 8-12.

1. Affidavit of service as filed today on behalf of the writ petitioner is taken on record.

2. The writ petitioner, the respondent State and its instrumentalities, and the private respondent are represented by their respective learned advocates.

3. By filing the instant writ petition, the writ petitioner has prayed for issuance of appropriate writ /writs against the respondent no. 5 authority commanding him to remove the alleged illegal, unauthorized construction over a public land contiguous to the land of the writ petitioner, particulars of which have been mentioned in paragraph no. 2.

4. At the time of hearing, Mr. Banerjee, 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 writ petitioner is a raiyat in respect of the plot of land, particulars of which have been mentioned in paragraph no. 2 of the instant writ petition and contiguous to the said plot, there exists a public land within the meaning of Section 2(7) of the West Bengal Public Land (Eviction of Unauthorized Occupants) Act, 1962 (the "said Act" in short).

5. It is further submitted by Mr. Banerjee that it is also the grievance of the writ petitioner that the private respondent, most illegally, has raised a construction over such public land, and as a result whereof, the petitioner is facing difficulty in getting access to his own property, particulars of which have been mentioned in paragraph 2 of the instant writ petition.

6. It is further submitted that despite submission of the representation dated 10.07.2026 with the respondent authority, no action has been taken, and thus, appropriate relief or reliefs may be granted to the writ petitioner in terms of the prayers made in the instant writ petition.

7. Learned advocate appearing on behalf of the respondent State, in his usual fairness, submits before this Court that the respondent no. 5 authority may be directed to consider the representation dated 10.07.2026 as submitted by the writ petitioner, in accordance with law.

8. Learned advocate appearing on behalf of the private respondent vehemently opposes the prayer. It is argued that no cogent material has been submitted to substantiate the contention of the writ petitioner.

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

a) The respondent no. 6 authority is hereby directed to serve notice to the writ petitioner and the private respondent and shall make a demarcation and/or field verification of the disputed plot, and shall submit a demarcation report to the respondent no. 5 authority, positively within thirty (30) working days from the date of communication of the server copy of this order.

b) The respondent no. 5 authority, on receipt of the said demarcation report from the respondent no. 6 authority, is directed to act in terms of the provision of Section 3 of the said Act by issuing notice to the writ petitioner and the private respondent and by providing the copies of the demarcation report as would be submitted by the respondent no. 6 authority.

c) The respondent no. 5 authority is further directed to consider the representation dated 10.07.2026, as submitted by the writ petitioner, in accordance with law and after giving due

opportunity of hearing both to the writ petitioner and the private respondent, shall pass a reasoned order in the light of the said demarcation report, and shall forthwith communicate the same both to the writ petitioner and the private respondent.

d) It is further directed that in the event, while passing the reasoned order, the respondent no. 5 authority finds sufficient merit in the representation dated 10.07.2026 as filed by the writ petitioner, he is directed to take all consequential action in terms of Section 4 of the said Act.

10. The entire exercise, as indicated in the foregoing paragraph, is to be completed by the respondent no. 5 authority positively within 45 working days from the date of receipt of the demarcation report/field verification report from the respondent no. 6 authority.

11. The time limits as fixed by this Court are peremptory and mandatory.

12. Liberty is given to the learned advocate on record of the writ petitioner to communicate the server copy of this order to the respondent nos. 5 & 6 authorities, who are directed to act on the server copy of this order.

13. With the aforementioned observation, the instant writ petition is **disposed** of.

14. Before parting with, it is, however, made clear that while disposing of the instant writ petition,

this Court has not gone into the merits of the representation dated 10.07.2026, as submitted by the writ petitioner and thus, all points are kept open for adjudication by the respondent no. 5 authority.

(Partha Sarathi Sen, J.)