N.22Sl

151/CL
08.10.26
DL-20
Ct.-19
(S.R.)

WPA 24354 of 2026

Sri Ashok Kumar Mitra
v.
The Kolkata Metropolitan Development Authority & Ors.

Mr. Srijib Chakraborty
Mr. Aditya Mondal
Mr. Washim Akthir Dafader ... for the petitioner.

Mr. Debanik Banerjee
Mr. Soumyadeb Chakraborty ... for the KMDA.

Ms. Aparna Banerjee, LD. AGP
Ms. Sudipa Banerjee
Ms. Puja Sonkar ... for the State.

1. The affidavit of service as filed today on behalf of the writ petitioner is taken on record.
2. Both the writ petitioner and the respondents are represented by their respective learned counsel.
3. The subject matter of the instant writ petition is a notice dated 28.08.2026 as claimed to have been issued by the respondent authorities, a copy of which has been annexed at page no.53 of the instant writ petition.
4. By the purported notice, the respondent authorities notified all concerns regarding removal of unauthorized encroachment over the public land within the meaning of West Bengal Public Land (Eviction of Unauthorized Occupants) Act, 1962 ('the said Act' in short).
5. In course of his submission Mr. Srijib Chakraborty

duly assisted by Mr. Mondal draws attention of this Court to the various annexures to the instant writ petition. It is argued by Mr. Chakraborty that sufficient materials have been placed before this Court to substantiate that the present writ petitioner is the absolute owner in respect of 13 decimals of land in LR Dag No.2080 & 2082, 43 decimals of land in LR Dag No.2083 and 2079, 6 decimals of land in LR Dag No.2080 in Mouza – Rahuta under Police Station – Jagatdal, District – North 24-Parganas.

6. It is submitted by Mr. Chakraborty that it is the specific case of the writ petitioner that the purported impugned notice has been pasted upon the property of the writ petitioner by the respondent authorities knowing fully well that the properties of the writ petitioner are the raiyati land.

7. In view such, Mr. Chakraborty submits that since the present writ petitioner is not occupying any public land within the meaning of the said Act, the impugned notice dated 28.08.2026 may be set aside and/or cancelled.

8. Mr. Soumyadeb Chakraborty duly led by Mr. Banerjee in course of his submission has placed a copy of the instruction dated 03.09.2026 as issued by the Executive Engineer, KMDA. It is submitted by Mr. Chakraborty that it is the specific case of the

respondent KMDA authority that no such notice dated 28.08.2026 as impugned in the instant writ petition has been issued by the KMDA authorities and the same has also not been pasted by the KMDA authorities. It is submitted on behalf of the KMDA authorities that the KMDA authorities do not take responsibility of the issuance of the notice dated 28.08.2026.

9. In view of the submissions as made on behalf of the KMDA authorities, the impugned notice dated 28.08.2026 is hereby cancelled and set aside.

10. With the aforementioned observations, WPA 24354 of 2026 stands disposed of.

11. There shall, however, be no order as to costs.

12. 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.)