In the High Court at Calcutta

Constitutional Writ Jurisdiction

Appellate Side

14 15.10.2026
Sc Ct. no.19 *Case No.* : **WPA 26884 OF 2026**

In the matter of : **Sandhya Maity & Anr.**

.... Petitioners

VS.

The State of West Bengal & Ors.

....Respondents

For the Petitioners :

Mr. Dilip Kr. Sinha
Mr. Sukdeb Sarkar.

....Advocates

For the Respondent/State :

Mr. Tapas Kumkar Sil

.....Advocate

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

2. The petitioners and the respondent State are represented by their respective counsel.

3. On behalf of the writ petitioners two supplementary affidavits are filed which are taken on record.

4. By filing the instant writ petition the writ petitioners have prayed for issuance of appropriate writ/writs against the respondent authorities more specifically the respondent no.3 authority by 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 contiguous to the writ petitioners property, particulars of

which has been mentioned in paragraph 4 of the instant writ petition.

5. At the time of hearing Mr. Sinha, learned advocate appearing on behalf of the writ petitioners submits before this Court that it is the specific case of the writ petitioners that on account of alleged encroachment as made by the private respondents over the public land in front of the writ petitioners' property, particulars of which has been mentioned in paragraph 2 of the instant writ petition, the writ petitioners are facing extreme difficulty to get easy egress and ingress to their own property.

6. It is submitted further that despite submission of a representation with the respondent no.3 authority as received on 07.8.2026, no action has been taken and, thus, appropriate relief/reliefs may be granted to the writ petitioners in terms of the prayer made in the instant writ petition.

7. Mr. Sil, learned advocate appearing on behalf of the respondent State, in his usual fairness, submits before this Court that the respondent no.3 authority may be directed to consider the representation of the writ petitioners as received on 07.8.2026 in accordance with law.

8. In view of such, this Court while disposing of the instant writ petition directs the jurisdictional BL&LRO to serve notice upon the writ petitioners and the private respondents and shall cause a field verification and/or demarcation on the disputed plot and submit a report to

the respondent no.3 authority positively within thirty working days from the date of communication of the server copy of this order.

9. The respondent no.3 authority on receipt of such demarcation report/field verification report from the jurisdictional BL&LRO shall also cause service of notice upon the writ petitioners and private respondents and shall ask the private respondents to submit their reply to the said notice within a specified time. After expiry of the said specified time, the respondent no.3 shall be obliged to consider the representation of the writ petitioners as received on 07.8.2026 in the light of the demarcation report/field verification report as would be submitted by the jurisdictional BL&LRO and the reply given by the private respondents and after giving adequate opportunity of hearing to the writ petitioners and the private respondents shall pass a reasoned order and shall forthwith communicate the same to the writ petitioners and the private respondents.

10. It is further directed that in the event while passing the reasoned order the respondent no.3 comes to a logical finding that public land is encroached either at the instance of the petitioners or of the private respondents, he is directed to take all consequential action within the meaning of Section 4 of the said Act.

11. The entire exercise as indicated in the foregoing paragraphs shall be completed by the respondent no.3 authority positively within forty-five working days from

the date of receipt of demarcation report/field verification report from the BL&LRO. Time limit as fixed by the Court is peremptory and mandatory.

12. Liberty is given to the learned advocate on record for the petitioners to communicate the server copy of this order to the respondent no.3 as well as the jurisdictional BL&LRO who are directed to act on the basis of the server copy.

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

14. Before parting with it is made clear that while disposing of the instant writ petition this Court has not gone into the merits of the representation as submitted by the writ petitioners on 07.8.2026 and thus all points are kept open for adjudication by the respondent no.3 authority.

(Partha Sarathi Sen, J.)