14.10.2026
Item No.8 (DL)
Court No.19
AJ.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JRUISDICTION

WPA 28359 of 2026

Bhrigu Ram Mondal
-Vs-
The State of West Bengal & Ors.

Mr. Raj Kumar Sain,
Mr. Sandipan Maity.
...for the petitioner.

Mr. Indradeep Pal.
...for the State.

Mr. Salil Kumar Maiti,
Ms. Dolan Samanta.
...for the respondent no.8.

Mr. Sakya Maity,
Mr. Subhas Jana,
Ms. Mohua Palit.
...for the respondent nos.9,12 & 13.

1. The affidavit of service as filed today by the learned Advocate for the petitioner is taken on record.

2. The writ petitioner, the private respondent no.8, the private respondent nos.9, 12 and 13 are represented by their respective Counsel. None appears on behalf of the respondent nos.10 and 11 despite service.

3. Since the State is not represented today and since Mr. Indradeep Pal, learned Advocate who usually appears on behalf of the respondent State is present, this Court requests Mr. Pal to appear on behalf of the respondent State in connection with this writ petition.

4. Legal Remembrancer, Government of West Bengal is directed to regularize the appoint

Mr. Pal in connection with the instant writ petition.

5. By filing the instant writ petition the petitioner has prayed for issuance of appropriate writ/writs against the respondent authorities more specifically against the respondent no.5 authority commanding him to remove the alleged encroachment as made by the private respondents over a PWD land which is contiguous to the writ petitioner's land particulars of which has been mentioned in paragraph 8 of the instant writ petition.

6. At the time of hearing, Mr. Maity, learned Advocate appearing on behalf of the writ petitioner submits before this Court that it is the specific case of the writ petitioner that on account of such alleged encroachment at the instance of the private respondent no.4 over the PWD land, the writ petitioner is facing difficulty in getting access to his own property particulars of which has been mentioned in paragraph no.2 of the instant writ petition. It is further submitted by Mr. Maity that despite submission of the representation dated 31.08.2026 with the respondent authority no action has been taken by the said authority for removal of the encroachment.

7. *Per contra*, Mr. Pal, learned Advocate appearing on behalf of the State respondents in

his usual fairness submits before this Court that the respondent no.5 authority may be directed to consider the representation dated 31.08.2026 as submitted by the writ petitioner in accordance with law.

8. Learned Advocate appearing on behalf of the respondent no.8 submits before this Court that the allegation as made against the private respondent no.8 is baseless inasmuch as the said private respondent no.8 has not encroached any PWD land and on the contrary he is running his business over his riayati plot.

9. Learned Advocate appearing on behalf of the respondent nos.9, 12 and 13 submits before this Court that no case has been made out by the writ petitioner for granting relief as prayed for. It is further submitted that in fact, the writ petitioner himself is the encroacher of the PWD land. It is further submitted that a Title Suit between the writ petitioner and the private respondent nos.9, 12 and 13 is pending before the jurisdictional Civil Court.

10. On careful consideration of the entire material which is 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 :-

i) The respondent no.6 authority is directed to give notice to the writ petitioner and all the private respondents and thereafter make a field verification and/or demarcation at the disputed plot.

ii) The respondent no.6 authority shall submit his field verification and/or demarcation report to the respondent no.5 authority positively within 30 working days from the date of communication of the server copy of this order.

10. The respondent no.5 authority on receipt of the said field verification report/demarcation report from the respondent no.6 authority shall cause service of notice upon the writ petitioner and the private respondents and shall provide them copies of the said demarcation report and the field verification report as would be prepared by the respondent no.6 authority and the respondent no.6 authority is further directed to give adequate opportunity of hearing both to the writ petitioned and the private respondents and thereafter shall pass a reasoned order upon the representation dated 31.08.2026 as demarcation report as would be submitted by the respondent no.6 authority.

11. The entire exercise as indicated in the aforementioned 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.

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

13. Liberty is given to the learned Advocate-on-record for the writ petitioner to communicate the server copy of this order to the respondent no.6 authority who is directed to act on the server copy of this order.

14. It is further directed that in the event while passing the reasoned order the respondent no.5 authority finds that an encroachment is occurred over the PWD land either at the instance of the private respondents or at the instance of the writ petitioner, he is directed to take consequential action soon thereafter.

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

16. Before parting with it is made clear that this court has not gone into the merits of the representation dated 31.08.2026 as submitted by the writ petitioner and thus all points are kept open for adjudication by the respondent no.5 authority.

17. There shall be no order as to costs.

18. Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Partha Sarathi Sen, J.)