

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

11 02.12.2024
Sc Ct. no.2

WPA 15509 OF 2023

Pradyot Mandal

Vs.

The State of West Bengal & Ors.

Mr. Mukteswar Maity
Mr. Sailendu Sekhar Bayerd
Ms. Nupur Chaudhuri.

..... For the Petitioner

Mr. Ayan Banerjee
Ms. Mita Bag.

.
..... For the Respondents
State

Mr. Partha Sarathi Mondal
Ms. Antara Das.

.... For the Private
Respondent nos. 7 & 8

Affidavit-of-service, filed in Court today, is taken on
record.

Mr. Mukteswar Maity, learned counsel appears for
the petitioner.

Mr. Ayan Banerjee, learned State counsel appears
for the State respondents.

Mr. Partha Sarathi Mondal, learned counsel
appears for the private respondent nos. 7 and 8.

The petitioner submits that, the private
respondents are the alleged patta holders in respect of
the adjoining land of the petitioner as mentioned in
detail in **paragraph 3** to the writ petition.

The petitioner complains of an encroachment of land at the behest of the private respondents/patta holders under the garb of the alleged patta. The petitioner submitted a representation dated **February 8, 2023, Annexure P-5 at page-24** to the writ petition seeking demarcation of the alleged patta land, but the same has not yet been considered.

Learned counsel for the private respondent nos. 7 and 8 relying upon **Annexure-P3 at page 21** to the writ petition submits that, the report of the Revenue Inspector dated **October 11, 2022** confirms that, the private respondents are the *bona fide* patta holders. They have not encroached any portion of the land of the petitioner.

After considering the rival contentions of the parties, the respondent no.3 upon prior notice to the petitioner, the private respondents and the respondent no.5 shall cause a physical inspection of the alleged encroachment and demarcate the patta land, if any, in accordance with law and in the light of the existing land records.

This demarcation process shall be carried out and completed by the respondent no.3 positively within a period of **four weeks** from the date of communication of this order.

The respondent no.3 then shall prepare a report with proper sketch map showing demarcation, if there is

any patta land and shall furnish the report to the petitioner and the private respondents within the said period.

It is made clear that this order is passed only for the purpose of demarcation of the patta land, if any, and not beyond that.

In the event, on the basis of the inspection report anybody has any grievance, the same shall be ventilated before the appropriate jurisdictional forum.

It is made clear that, this Court has made no observation with regard to the portion of the land which is alleged to have been encroached.

It is further made clear that, this order shall not create any right or equity in favour of the petitioner if the petitioner does not succeed to his contention with regard to the alleged patta land before the respondent no.3 in course of the physical inspection, strictly in accordance with law.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions, this writ petition, **WPA 15509 of 2023** stands ***disposed of***, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)