

14-05-2025
Item No.214 ML
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.3606 of 2025
Smt. Dipanjana Mishra (Chakraborty)
-vs-
State of West Bengal & Ors.

Mr. Noni Gopal Chakraborty ...for the petitioner

Ms. Sonal Sinha
Mr. Kapil Guha ...for the State

Mr. Udaynarayan Betal
Mr. Mriganka Patra ...for the private respondent

1. The petitioner alleges that the private respondent has encroached upon the Government land and occupied the same by raising construction thereon. The said Government land is just opposite to the private land of the petitioner, description of which is mentioned in paragraph 2 of the writ petition. It is alleged that objection filed against such unauthorized encroachment has not been considered by the authority.
2. It has been submitted that the land over which the construction has been made belongs to the Irrigation Department of the State Government.
3. Learned counsel for the private respondent denies the allegation of the petitioner saying that the private respondent is not occupying or encroaching upon any Government land. According to him, there is no report from the end of the land administration.
4. As it appears that the objection filed of the

petitioner is pending consideration at the end of the concerned authority, accordingly, no useful purpose would be served by keeping the writ petition pending.

5. Hence, the writ petition is disposed of by directing the eighth and the fifteenth respondents – Assistant Engineer, Ghatal Irrigation Sub-Division Water Ways Department (I & WDTE), Paschim Medinipur and Assistant Engineer, Ghatal Sub-Division (PWD) (Irrigation & Water Ways Department), Paschim Medinipur – to take steps to consider the objection filed by the petitioner in accordance with law, after causing a spot inquiry, upon prior notice to all the necessary parties and thereafter affording an opportunity of hearing to all the necessary parties. A reasoned order shall be passed by the aforesaid respondents.
6. If it appears that any portion of the Government land has been encroached upon by private parties, then consequential remedial steps shall be taken in accordance with law for removal of such unauthorized occupants/encroachers.
7. Steps shall be taken in the matter at the earliest but positively within a period of twelve weeks from the date of communication of this order.
8. It is made clear that the aforesaid authorities shall refrain from entering into or deciding any private dispute in between the parties and that the consideration will only be confined to ensure that the Government land is not occupied by any private party devoid the provision of law.
9. Affidavit of service filed in court be taken on record.

10. All parties are to act on the server copy of this order duly downloaded from the official website of this court.
11. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]