

M/L 15
07.04.2025
Court. No. 236
Suwayan

WPA 3630 of 2025

Gulneher Bibi
Vs.
The State of West Bengal & Ors.

Mr. Balaram Pandit
Mr. Krishna Deo Das

...for the petitioner.

Mr. Chandi Charan De, AGP
Mr. Anirban Sarkar

...for the State.

Mr. Partha Sarathi Bhattacharyya, Sr. Adv.
Mr. Raju Bhattacharyya

...for the respondent nos. 7 to 9.

1. The affidavit-of-service as filed today on behalf of the writ petitioner is taken on record.
2. Mr. De, learned AGP appearing on behalf of the respondent/State submits a report dated 26.03.2025 as prepared by the Assistant Engineer, Contai Highway Sub-Division, PWD (Roads) Dte. Let the said report dated 26.03.2025 be taken on record.
3. By filing the instant writ petition the writ petitioner has prayed for issuance of appropriate writ/writs against the respondents/authorities more specifically against the respondent no. 4 for consideration of a representation dated 26.01.2025 as submitted with respondent no. 4/authority.
4. In course of his submission learned Advocate appearing on behalf of the writ petitioner at the very outset draws attention of this Court to page no. 28 of the instant writ petition being a copy of the said letter dated 26.01.2025 as written by the writ petitioner

addressed to the respondent no. 4/authority. It is submitted that under cover of the said letter dated 26.01.2025 the writ petitioner alleges encroachment at the instance of the private respondents over the PWD's land without any prior permission/sanction which causes an obstruction for free egress and ingress in the writ petitioner's plot no. 500/3224 in Mouza – Kasbagola under Khatian No. 857/2, P.S. Egra, District – Purba Medinipur.

5. At this juncture Mr. De, learned AGP appearing on behalf of the respondent/State draws attention of this Court to the report as submitted by him before this Court. It is submitted by Mr. De that from the report dated 26.03.2025 as submitted by the respondent no. 4 it would reveal that the said respondent no. 4 after receipt of the said complaint issued notice to all interested parties including the writ petitioner and the private respondents and after careful consideration of the entire materials as placed before him and after giving an opportunity of hearing to the writ petitioner as well as the private respondents held that the allegation as made in the said representation dated 26.01.2025 is devoid of any merit because of the fact that on physical verification and demarcation it revealed that both the writ petitioner and the private respondents are possessing their recorded land and no encroachment has been made by the private respondents of any Government land as alleged to be situated in front of the writ petitioner's land.

6. In course of his submission Mr. Partha Sarathi Bhattacharyya, learned Senior Advocate appearing on behalf of the private respondents supports the contention of Mr. De. He also handed over a copy of memo dated 14.08.2024 as issued by the respondent no. 4/authority. It is submitted by Mr. Bhattacharyya that under cover of the said memo the respondent no. 4/authority informed the private respondents that on enquiry and hearing it was found that the allegation of the writ petitioner has got no leg to stand open.
7. In course of his reply learned Advocate appearing on behalf of the writ petitioner disputed the contentions as raised on behalf of the respondent/State as well as by the private respondents.
8. On careful consideration of the entire materials as placed before this Court it reveals that pursuant to an order dated 10.04.2024 as passed by a co-ordinate Bench of this Court in WPA 1646 of 2024 the respondent no. 4/authority after giving due hearing to all concerned including the writ petitioner and the private respondents and after careful consideration of the entire materials as placed before him including the demarcation report came to a categorical finding that the writ petitioner is occupying 0.12 acres of land in plot no. 500/3224 in Mouza – Kasbagola whereas the private respondent are occupying 0.18 acres of land in the self-same plot under the same Mouza.
9. Though learned Advocate for the writ petitioner strongly disputed the correctness of the report this

Court considers that in a judicial review in absence of any perversity there is hardly any scope to interfere with the finding of the respondent no. 4 inasmuch as sufficient materials have been placed before this Court that the respondent no. 4 after giving an opportunity of hearing to the writ petitioner and the private respondents and on careful consideration of the entire materials came to a finding which nullifies the case of the writ petitioner.

10. This Court thus considers that the instant writ petition is devoid of any merit and is thus dismissed.
11. There shall be, however, 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.)