

S/L 6
08.07.2025
Court. No. 19
Suwayan

WPA 4091 of 2025

**Kamini Mondal
Vs.
The State of West Bengal & Ors.**

*Mr. Rajdeep Bhattacharya
Mr. Himadree Ghosh*

...for the petitioner.

*Mr. Sk. Md. Galib
Ms. Priyamvada Singh*

...for the State.

Mr. Soumyadeep Biswas

...for the respondent no. 7.

1. By filing the instant writ petition the writ petitioner has prayed for issuance of appropriate writ/writs against the respondents/authorities for removal of pump house over the land of the writ petitioner particulars of which has been mentioned in paragraph no. 3 of the instant writ petition.
2. At the time of hearing, learned Advocate for the writ petitioner draws attention of this Court to the order dated 10.06.2025 as passed by this Court in the instant writ petition.
3. On perusal of the said order dated 10.06.2025 it reveals that considering the grievance of the writ petitioner as made out in the instant writ petition this Court directed the respondent no. 6/authority to submit a report indicating as to where the pump house of the respondent no. 5 is situated and as to whether such pump house as erected by the respondent no.

5/authority at all encroaches the purchased property of the writ petitioner's property.

4. At this juncture, learned Advocate for the writ petitioner draws attention of this Court to the report as submitted by the respondent no. 6/authority supported by affidavit. It is submitted that from page no. 3 as well as from page no. 10 of the said report it would reveal that it is the finding of the respondent no. 6/authority that the pump house as constructed by the respondent no. 5/authority is within the purchased property of the writ petitioner particulars of which has been mentioned in paragraph no. 3 of the instant writ petition.
5. Learned Advocate for the respondents/State, however, contended that the property where the pump house has been situated is recorded in another person's name that is in the name of Kalidas Biswas.
6. On careful perusal of the entire materials as placed before this Court it appears to this Court that the said Kalidas Biswas is the father of the vendor of the present writ petitioner i.e. the respondent no. 7 herein.
7. Undisputedly, sufficient materials have been placed before this Court by the respondent no. 6/authority indicating that the respondent no. 5/authority has erected the pump house within the land of the writ petitioner particulars of which has been mentioned in paragraph no. 3 without initiating any valid process of acquisition and disbursement of compensation.

8. This Court is of considered view that such action on the part of the respondent no. 5 is contrary to the law in view of the fact that on account of such encroachment at the instance of the respondent no. 5 the writ petitioner is deprived to her valuable constitutional right as enshrined under Article 300A of the Constitution of India.
9. It is pertinent to mention herein that in the instant writ petition the writ petitioner though prayed for removal of the said pump house from the landed property of the writ petitioner, however, considering the fact that said pump house has been erected for the purpose of distribution of drinking water in the locality, this Court considers that justice would be served if the relief as prayed for by the writ petitioner is molded by this Court in exercise of the plenary power of this Court.
10. This Court thus while disposing the instant writ petition directs the respondent no. 3/authority to initiate a land acquisition proceeding in respect of the portion of the land as has been used by the respondent no. 5 under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013) and/or under the direct purchase policy and shall ensure disbursement of adequate compensation in favour of the writ petitioner soon thereafter.
11. The entire exercise as indicated in the foregoing paragraph including disbursement of compensation is to be completed by the respondent no. 3/authority

positively within 180 working days from the date of communication of the server copy of this order.

12. The time limit as fixed by this Court is mandatory and peremptory.
13. Liberty is given to the learned Advocate for the writ petitioner to communicate the server copy of this order to the respondent no. 3/authority forthwith.
14. The respondent no. 3/authority is hereby directed to act on the basis of the server copy of this order.
15. With the aforementioned observation, the instant writ petition being WPA 4091 of 2025 is disposed of.
16. Urgent Xerox certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Partha Sarathi Sen, J.)