

05.03.2025

Item No. 18

Crt.No.02

b.r.

WPA 4101 of 2025

Bijoya Bayen & Ors.

-vs-

The State of West Bengal & Ors.

Mr. Joyjit Roy Choudhury

Mr. Vineet Kothari

.... For the petitioner.

Mr. Soumitra Bandyopadhyay, Sr. Govt. adv.

Mr. Ramchandra Guchhait

.... For the State.

Mr. Debanjan Mukherjee

.... For the CESC Limited.

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

This is second round of writ litigation.

The first writ petition, **WPA 22504 of 2024** was disposed of by this Court by an order dated **September 26, 2024, annexure p-12 at page-86** to the writ petition. Following the direction, the impugned order has been passed by the respondent no.4 dated **November 12, 2024 at page-92** to the writ petition and the observation and finding from the impugned order is quoted below:-

“In course of hearing, a report of the Assistant Director and BL & LRO, Thakurpukur Metiabruz Block, South 24-Parganas bearing Memo no. 931/BL & LRO/TM/24 dated 30.10.2024 was submitted by the Revenue Officer which also shows that

the departmental board of PHE is found installed over LR Plot No. 102/387 Khatian No. 1. Copy of the LR Porcha in favour of Govt. of W.B. for LR Plot No. 102/307 is enclosed with the report.

Heard the submissions of the parties and perused the documents submitted in this regard. The contention of the petitioners contained in the representation dt.19th August, 2024 has no merit as the tube-well was dug and meter room was constructed at LR Plot No. 102/387, Khatian No. 1 which is recorded in the name of Government of West Bengal. Hence, the petitioners' representation is disposed of."

Mr. Joyjit Roy Choudhury, learned counsel appearing for the petitioner submits that **L.R. Plot No.102/387, Khatian No.1** is a Government land and to that extent, he accepts the finding in the order at ***page 92.***

Mr. Debanjan Mukherjee, learned counsel appearing for the respondent no.7 submits that his client has already installed the necessary electricity meter at the existing meter room and, therefore, they have discharged their legal duties. The meter was installed for operation of the pump room only.

Mr. Soumitra Bandyopadhyay, learned counsel appears for the respondent nos. 1 to 6 and 8.

After considering the submissions made on behalf of the parties and upon perusal of the reliefs claimed in the writ petition, it appears to this Court that, the Government land can be demarcated in accordance with law by the State authority. In course of such demarcation if it is found that any portion of the said Government land **L.R. Plot No.102/387, Khatian No.1** has been encroached, the State authority shall take immediate steps for removal and demolition of such encroachment in accordance with law.

In view of the above, the **respondent no.8** upon issuing a prior notice to the petitioner and the jurisdictional Assistant Engineer, Public Health Engineering Directorate shall demarcate the said Government land in accordance with law. In course of such demarcation process, the petitioner shall be at liberty to participate along with an Amin of his own choice.

After the demarcation will be over, the respondent no.8 shall prepare a sketch map also showing the demarcated Government land and shall hand over the relevant report along with the sketch map to the petitioner.

The entire exercise shall be carried out and completed by the respondent no.8 positively within a

period of **six weeks** from the date of communication of this order.

The report of the demarcation along with the sketch map shall also be provided to the petitioner and the concerned Assistant Engineer positively within a period of **one week** from the date when the said demarcation process shall take place.

It is made clear that this Court has not gone into the merits of the rival claims of the parties and the parties shall be at liberty to produce whatever records and documents they wish to produce before the respondent no.8 in course of the demarcation process.

This order shall not create any right or equity in favour of any of the parties and the demarcation process shall take place strictly in accordance with the existing land records.

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 4101 of 2025** stands **disposed of**, without any order as to costs.

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

(Aniruddha Roy, J.)