

July 14, 2025
Sl. No.78
Court No.19
s.biswas

WPA 4839 of 2025

Smt. Anuradha Sinha Roy

vs.

The State of West Bengal and others

Mr. Sarajit Sen

Mr. Soumyen Datta

Mr. Tapas Sinha Roy

... for the petitioner

Mr. Soumitra Bandyopadhyay, Sr. Govt. Adv.

Mr. Priyabrata Batabyal

... for the State

Mr. Keshab Chandra Das

... for the respondent no.8

1. The affidavit-in-reply as filed on behalf of the writ petitioner is taken on record.
2. The subject matter of the instant writ petition is the report dated 13.12.2024 as filed by the District Magistrate, Hooghly before a Co-ordinate Bench in a contempt proceeding being WPCRC 9 of 2024.
3. At the time of hearing, Mr. Sen, learned advocate appearing on behalf of the writ petitioner draws attention of this court to page nos.38 and 39 of the instant writ petition being a copy of the aforementioned report. Further attention of this court is drawn to page no.51 of the instant writ petition. It is submitted by Mr. Sen that it is the specific case of the writ petitioner that the writ petitioner is the owner of 0.08 decimal of land in Plot No.427 in Mouza Aati, P.S. Dadpur, Dist.- Hooghly.

4. It is the further case of the writ petitioner that there exists a panchayat road over L.R. Plot No.428. It is the grievance of the writ petitioner that the respondent authorities without initiating any valid process of acquisition and/or without disbursing adequate compensation to the writ petitioner, are making attempt to grab the property of the writ petitioner situated in L.R. Plot No.427, which is explicit from the report dated 13.12.2024 as submitted by the District Magistrate, Hooghly i.e. the respondent no.2 herein.
5. It is submitted further on behalf of the writ petitioner that from page no.29 of the instant writ petition, it would reveal that the respondent no.2/authority did not adhere to the L.R. RoR as published in the name of the writ petitioner which clearly depicts the L.R. Plot No.427 is classified as *Pukur*.
6. It is thus submitted by Mr. Sen that appropriate relief/reliefs may be granted to the writ petitioner in terms of the prayers made in the instant writ petition.
7. Per contra, Mr. Batabyal, learned advocate appearing for the State and duly led by Mr. Soumitra Bandyopadhyay, learned senior Government advocate, in course of his submission draws attention to the report dated

19.03.2025 as submitted by the respondent no.2/authority in this writ petition.

8. It is submitted by Mr. Batabyal that it has been reported by the respondent no.2/authority that the L.R. Plot No.427 originated from R.S. Plot No.531 which was classified as '*path*' and in the remarks column, the said plot was mentioned as '*Sadharoner Byaboharjya*' (for the use of general public).
9. It is further submitted by Mr. Batabyal that from the said report it would reveal that in the finally published L.R. RoR, L.R. Plot No.427 is classified as '*Pukur par*' and in the remarks column, it has been mentioned as '*Jatayater jonnya baboharjya*' (meant for using as a pathway).
10. It is thus submitted by Mr. Batabyal that the said portion of Plot No.427 was a *moram* road, which has been upgraded to cement concrete road.
11. On careful perusal of the entire materials as placed before this court, this court considers that sufficient materials have been placed before this court that the L.R. Plot No.427 is recorded in the name of the writ petitioner to the extent 0.08 decimal.
12. In the latest L.R. RoR, it has been stated in the remarks column that the said portion of the plot no.427 is used as pathway for the general public.

However, no materials could be placed before this court on behalf of the respondent no.8/authority, that the ownership of the said land which is a *rayati* in nature vested with the State or with the local panchayat authority.

13. In view of such, this court cannot permit the respondent authorities to claim 0.08 decimal of land in plot no.427 as property of theirs.

14. Accordingly, the respondent authorities are hereby prohibited from utilizing the 0.08 decimal of land in L.R. Plot No.427 as recorded in the name of the writ petitioner as a panchayat road without initiating the process of acquisition and disbursement of compensation in terms of Act XXX of 2013.

15. With the aforementioned observation, WPA 4839 of 2025 is disposed of.

16. Urgent photostat certified copy of this order if applied for be supplied to the parties on completion of all necessary formalities.

(Partha Sarathi Sen, J.)