

S/L 11
09.09.2025
Court. No. 19
Suvayan

WPA 9077 of 2025

**Sri Arjun Pramanik
Vs.
The State of West Bengal & Ors.**

*Mr. Partha Chakraborty
Mr. Jotirmoy Bhattacharyya*

...for the petitioner.

*Mr. Chandi Charan De, AGP
Ms. Reshma Chatterjee*

...for the State.

*Mr. Sirsanya Bandopadhyay
Mr. Arka Kumar Nag
Mr. Tirthankar Dey*

...for B.M.C.

1. The affidavit-of-service as filed today on behalf of the writ petitioner is taken on record.
2. At the time of hearing, learned Advocate appearing on behalf of the writ petitioner draws attention of this Court to page nos. 70 to 76 of the instant writ petition being a copy of the representation dated 02.04.2025 as written by the writ petitioner herein addressed to the District Magistrate, District – North 24 Parganas.
3. It is submitted on behalf of the writ petitioner that it is the specific grievance of the writ petitioner that out of 1.82 acres of land in R.S. plot no. 4631 in Mouza – Krishnapur under Bidhannagar Municipal Corporation, 0.14 acres of land was acquired by the respondents/authorities more specifically by the respondent no. 2/authority and since there arose a dispute with regard to the actual extent of acquisition and since according to the writ petitioner the

respondents/authorities were making attempt to dispossess the writ petitioner and his co-sharers from the un-acquired portion of the said property, a Title Suit no. 189 of 2011 was filed in the Court of learned Civil Judge (Senior Division), 2nd Court at Barasat which was decreed on consent against the State/respondents as would be revealed from page nos. 25 to 38 of the instant writ petition.

4. Drawing attention to page nos. 39 to 69 of the instant writ petition it is further submitted that challenging the judgment and decree dated 14.12.2016 and 20.12.2016 as passed by the said Trial Court in Title Suit no. 189 of 2011 the respondents/authorities had preferred an appeal being Title Appeal no. 03 of 2017 before the learned Additional District Judge, 1st Court, Barasat which was also dismissed.
5. It is thus submitted that in view of such the right, title and interest of the writ petitioner and his co-sharers in respect of un-acquired 1.68 acres of land in the aforesaid Mouza under R.S. plot no. 4631 was declared and the respondents/authorities were permanently enjoined from interfering with the peaceful possession of the writ petitioner and his co-sharers in respect of the said decreetal property.
6. It is further submitted on behalf of the writ petitioner that under cover of representation dated 02.04.2025 the writ petitioner requested the District Magistrate, North 24 Parganas to take appropriate steps to demarcate the un-acquired land of the writ petitioner as has been

decreed in Title Suit no. 189 of 2011 and as has been affirmed in Title Appeal no. 03 of 2017 but the District Magistrate, North 24 Parganas had practically did nothing.

7. Such contention is vehemently opposed by Mr. De, learned A.G.P. Drawing attention to Section 8 of the Act I of 1894 (hereinafter referred to as the 'said Act of 1894) it is submitted by Mr. De that Section 8 of the said Act of 1894 mandates demarcation of the acquired land but not the private land.
8. In view of such, while disposing the instant writ petition this Court directs the respondent no. 2/authority to consider the representation dated 02.04.2025 as submitted by the writ petitioner in accordance with law in the light of the judgment and decree as passed in Title Suit no. 189 of 2011 by the learned Civil Judge (Senior Division), 2nd Court at Barasat as well as the judgment and decree as passed in Title Appeal no. 03 of 2017 dated 19.12.2023 as passed by the learned Additional District Judge, 1st Court at Barasat and after giving due opportunity of hearing to the writ petitioner and/or his representative shall pass a reasoned order and shall forthwith communicate the same to the writ petitioner.
9. The entire exercise as indicated hereinabove is to be completed within 60 working days from the date of communication of the server copy of this order.
10. It is further made clear that in the event while passing the reasoned order the respondent no. 3/authority finds sufficient merit in the representation dated 02.04.2025

he shall take appropriate steps forthwith in accordance with Section 8 of the said Act of 1894 for demarcation of the acquired land as mentioned in the foregoing paragraph.

11. Liberty is given to the learned Advocate-on-Record for the writ petitioner to communicate the server copy of this order to the respondent no. 3/authority.
12. The respondent no.3/authority is hereby directed to act on the server copy of this order.
13. The time limit as fixed by this Court is mandatory and peremptory.
14. With the aforementioned observation, the instant writ petition being WPA 9077 of 2025 is disposed of.
15. 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.)