

Item-
18. 11-11-2025

WPA 9481 of 2025

sg Ct. 19

Asmat Gazi
Versus
The State of West Bengal & Ors.

Mr. Bapin Baidya
Mr. Sandipan Maity
...for the petitioner
Mr. Sudarshan Ghosh
...for respondent nos.7-9
Mr. Lalit Mahon Mahata
Mr. Prasanta Behari Mahata
...for the State

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

Petitioner claims to be the co-owner of a portion of LR Plot no. 805, Mouza Hatpara, under Police Station Joynagar, in the District of South 24 Parganas. The petitioner alleges that the plot no. 805 is measuring about 60 decimals and out of said 60 decimals, 25 decimals of land was acquired for the purpose of public road. The petitioner further submits that the authorities of the Public Works (Roads) Department constructed a road over 10 decimals of land out of 25 decimals of acquired land and the balance 15 decimals of land has been kept vacant for future requirement for extension of road. The petitioner alleges that taking advantage of the vacant portion of the PWD acquired land, the private respondents made unauthorized construction on the PWD land thereby causing obstruction to the ingress and egress of the petitioner from his property to the PWD road.

Petitioner filed a writ petition and pursuant to an order passed in the said writ petition, the proceeding initiated

under the West Bengal Highways Act, 1964 was disposed of by requesting the concerned Block Land & Land Reforms Officer to demarcate the government land in front of plot no. 805. The concerned Block Land & Land Reforms Officer conducted an inspection and submitted a report.

The learned Advocate appearing for the petitioner submits that the sketch map prepared by the Block Land & Land Reforms Officer is faulty one as the petitioner has got the PWD road in Dag No. 805 measured by a surveyor and planner, who has prepared a sketch plan wherefrom it would be evident that the PWD area is being encroached upon by certain persons.

The learned Advocate appearing for the respondent nos. 7, 8 and 9 submits that two civil suits are pending before the learned Civil Judge (Senior Division) at Baruipur and one of such title suit being Title Suit No. 479 of 2024 has been filed against the petitioner herein. He further submits that an order was passed by the Civil Court directing the parties to maintain status quo in respect of their respective physical possession, nature and character of the 'ka' schedule property.

Heard Mr. Mahata, learned Additional Government Pleader.

After going through the plaint of Title Suit No. 479 of 2024 and Title Suit No. 303 of 2021, it appears that the entire plot no. 805, measuring about 60 decimals is the subject matter of the aforesaid civil suits and the Collector, South 24 Parganas and the concerned Block Land & Land Reforms Officer are party/defendant in the aforesaid suits. The petitioner has challenged the correctness of the sketch

map prepared by the concerned Block Land & Land Reforms Officer in this writ petition.

Since the Collector, South 24 Parganas is the party defendant in the aforesaid suits and the disputed property being LR Dag No. 805, measuring about 60 decimals is the subject matter of two civil suits, this Court has not inclined to grant any relief to the petitioner in this writ petition.

It will be open to the petitioner to approach the appropriate forum for relief in accordance with law.

With the above observation and direction, the writ petition, being WPA 9481 of 2025, stands disposed of. However, there shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Hiranmay Bhattacharyya, J.)