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DL
KC

17.09.2025
Ct.19

W.P.A. 10557 of 2025
(CAN 1 of 2025)

Nayan Chand Aditya

-vs-

The State of West Bengal & Ors.

Mr. Saibal Kumar Acharyya
Mr. Dwarika Nath Mukherjee
Mr. Pradip Paul
Ms. Renesa Dey

....for the petitioner.

Mr. Aswini Kumar Bera
Mr. Arijit Bera

....for the applicant.

Mr. Chandi Charan De
Mr. Anirban Sarkar

....for the State.

Re: In CAN.01 of 2025

1. The affidavit of service as filed today on behalf of the petitioner is taken on record.
2. At the time of hearing, Mr. Bera, learned advocate appearing on behalf of the applicant in CAN 1 of 2025 submits before this Court that prior to disposal of the instant writ petition, the interlocutory application being CAN 1 of 2025, which is an application for addition of party, may be taken up.
3. As per request of Mr. Bera, the

interlocutory application is taken up for hearing. In support of the application for addition of party being CAN 1 of 2025, it is submitted by Mr. Bera that the applicant is a necessary and proper party in view of the fact that the applicant of CAN 1 of 2025 is residing by the side of pacca road over plot nos. 408 and 409 and a Coordinate Bench by an order dated 20.05.2024 in an another writ petition directed the jurisdictional District Magistrate to consider the representation of the present applicant within a specified period.

4. It is submitted by Mr. Bera that since the instant writ petition pertains to various plots including the aforementioned two plots of land being plot nos. 408 and 409 at mouza Baragarh, the present applicant be made party-respondent in the instant writ petition.
5. Such prayer is vehemently opposed by Mr. Acharyya, learned advocate appearing on behalf of the writ petitioner who is duly assisted by Mr. Mukherjee as well as Mr. De, learned Additional

Government Pleader.

6. It is argued by Mr. De that from page nos. 9 and 10 of the instant application being CAN 1 of 2025, it would reveal that the jurisdictional District Magistrate rejected the applicant's application for grant of long term lease as prayed for.
7. Keeping in mind the aforementioned factual aspect if I look to the contents of the instant writ petition it appears to this Court that writ petitioner is practically aggrieved for non-consideration of his representation dated 12.03.2025 whereby and whereunder the writ petitioner requested the respondent authorities for grant of permission to use certain portions of plot nos. 408 and 409 in mouza Baragarh under P.S. Debra, Paschim Medinipur as pathway.
8. Such being the position, this Court considers that the prayer for application for addition of party as filed by the applicant in CAN 1 of 2025 is devoid of any merit and is thus dismissed.

Re: In WPA 10577 of 2025

9. On careful consideration of the entire materials as placed before this Court in connection with WPA 10557 of 2025 and after hearing the learned advocates for the writ petitioner and the respondent State, it reveals that it is the case of the writ petitioner that the writ petitioner is the owner of LR Plot No. 419 in the self-same mouza, which is situated by the side of LR Plot Nos. 408 and 409 as has been depicted in the hand sketch map at page 18 of the instant writ petition.
10. It is submitted by Mr. Acharyya that in order to get easy access to the petitioner's purchased land being LR Plot No. 419, the pathway situated on LR Plot Nos. 408 and 409 which belongs to the respondent authorities is required to be used if the permission is granted in favour of the writ petitioner by the respondent authorities.
11. It is submitted by Mr. Acharyya that to that effect the writ petitioner has submitted a representation dated 12.03.2025, a copy of which has been

annexed at page nos. 19 to 21 and in such representation the writ petitioner has also indicated that the writ petitioner is agreeable to pay the requisite fees for user of the said land as pathway.

12. In view of such, this Court while disposing the instant writ petition direct the respondent no. 2 authority to consider the representation dated 12.03.2025 in accordance with law 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 preferably by e-mail, if the e-mail details of the writ petitioner is provided to him at the time of hearing.

13. It is further directed that while passing the said reasoned order, the respondent no. 2 authority may also take the views of the Principal Secretaries of the concerned departments in whose name the said plot nos. 408 and 409 are recorded.

14. The entire exercise as indicated in the foregoing paragraphs is to be completed within 90 working days from the date of server copy of this order is available.
15. Liberty is given to the learned advocate on record to the petitioner to communicate the server copy of this order to the respondent no. 2 authority forthwith. The respondent no. 2 authority is directed to act on the basis of server copy of this order.
16. With the aforementioned observations, the instant writ petition is disposed of.

(Partha Sarathi Sen, J.)