

N.22Sl
151/CL

WPA 11415 of 2025

Najmur Sakir Sheikh & Anr.

-vs-

The State of West Bengal & Ors.

09.09.2025
SL-15
Ct.19
(S.R.)

Mr. Sandip Das ... for the petitioners.

Mr. Chandi Charan De, Ld. AGP
Mr. Anirban Sarkar ... for the State.

Mr. Mukteswar Maity
Ms. Manika Sarkar
... for the private respondent nos.9 and 10.

1. The affidavit of service as filed on behalf of the writ petitioner is taken on record.
2. At the time of hearing, Mr. Das, learned advocate appearing on behalf of the petitioners submits before this Court that it is the specific case of the writ petitioners that the writ petitioners are the owners of the properties, particulars of which have been mentioned in paragraph 2 of the instant writ petition.
3. It is further submitted by Mr. Das that it is the specific case of the writ petitioners that in front of the writ petitioners' aforementioned land, the private respondent nos.9 and 10 have made some illegal encroachment over LR Plot No.3392, which is recorded in the name of irrigation department and as a result whereof the egress and ingress of the writ petitioners to the writ petitioners' aforementioned property has been seriously blocked.

4. Drawing attention to page nos.44 to 47 of the instant writ petition, it is further submitted by Mr. Das that finding no other alternative, the writ petitioners approached the respondent authorities with a request for removal of the encroachment but all such efforts went into vain. It is, thus, submitted by Mr. Das that appropriate relief/reliefs may be granted to the writ petitioners in terms of the prayers made in the instant writ petition.
5. Mr. De, learned Additional Government Pleader appearing on behalf of the respondent/State in his usual fairness submits before this Court that the respondent no.5/authority may be directed to consider the representation dated 25.03.2025, as submitted by the writ petitioners, in accordance with law.
6. Mr. Maity, learned advocate appearing on behalf of the private respondent nos.9 and 10, however, strongly objected to the submission as made by Mr. Das. It is submitted by Mr. Maity that from the materials, as placed before this Court, it would reveal that the private respondent nos.9 and 10 are in lawful occupation of the portion of the land in plot no.3392 and they are carrying on business after obtaining trade licence.
7. It is further submitted by Mr. Maity that in absence of any material to substantiate that the private

respondent nos.9 and 10 have made any encroachment, as wrongly alleged, the writ petitioners are not entitled to the relief/reliefs, as prayed for.

8. On careful consideration of the entire materials as placed before this Court and after hearing the learned advocates for the contending parties, this Court while disposing the instant writ petition directs the respondent no.4/authority to cause field verification after prior service of notice upon the writ petitioners and the private respondent nos.9 and 10. On the basis of such field verification, he shall submit demarcation report with the respondent no.5/authority within thirty working days from the date of communication of the server copy of this order.
9. The respondent no.5/authority on receipt of such demarcation report from the respondent no.4/authority shall cause service of notice upon the writ petitioners and the private respondent nos.9 and 10 and shall provide them copies of the demarcation report, as would be submitted by the respondent no.4.
10. The respondent no.5/authority is further directed to give a chance of hearing both to the writ petitioners and the private respondent nos.9 and 10 and/or their authorized representatives and, thereafter, shall pass a reasoned order on the representation dated 25.03.2025, as submitted by the writ petitioners, in the light of the demarcation report, as would be

submitted by the respondent no.4/authority and shall forthwith communicate the same to the writ petitioners and the private respondent nos.9 and 10 preferably by mail, if the email details of the writ petitioners and the private respondent nos.9 and 10 are provided to him at the time of hearing.

11. The entire exercise, as indicated in the forgoing paragraph is to be completed within a period of forty-five working days from the date of receipt of the demarcation report from the respondent no.4/authority.
12. The time limits as fixed by this Court are mandatory and peremptory.
13. Liberty is given to the learned advocate-on-record for the writ petitioners to communicate the server copy of this order to the respondent nos.4 and 5/authorities.
14. The respondent nos.4 and 5/authorities are directed to act on the basis of the server copy of this order.
15. Before parting with, it is further made clear that, in the event, while passing the reasoned order, the respondent no.5/authority finds sufficient merits in such representation dated 25.03.2025, as submitted by the writ petitioners, he shall forthwith initiate appropriate steps for removal of all encroachments over Plot No.3392 in Mouza – Ram Chandranagar under P.S. – Dholahat, District – South 24-Parganas, if necessary with the assistance of the police.

16. With the aforementioned observations, **WPA 11415 of 2025** is disposed of.
17. Department is directed to forward a copy of this order to the Superintendent of Police in the District – South 24-Parganas forthwith.
18. There shall, however, be no order as to costs.
19. Urgent Photostat certified copy of the order if applied for, be made over to the parties as expeditiously as possible.

(Partha Sarathi Sen, J.)