

ML 25
07.07.2025
Court. No. 19
GB

W.P.A. 12199 of 2025

Babulal Gucchait & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Salil Kumar Maiti,
Ms. Dolan Samanta,
Ms. Pinki Saha

...for the Petitioners.

Mr. Chandi Charan De, Ld. A.G.P.,
Mr. Anirban Sarkar

...for the State.

1. The affidavit-of-service as filed today on behalf of the petitioners is taken on record.
2. None appears on behalf of the respondent nos.6 and 8 despite service.
3. It is the case of the writ petitioners that the writ petitioners are the owners of 18 decimal of land in Plot No.2192 in Mouza – Kapasarea, particulars of which have been mentioned in paragraph 5 of the instant writ petition.
4. It is the grievance of the writ petitioners that the local panchayat, that is, the respondent nos.6 and 8 authorities without initiating any valid process of acquisition had started construction of pucca fencing in order to grab the entire land of the writ petitioners for various purposes including for the purpose of construction of a garbage processing unit on such land.
5. Drawing attention to page no.23 onwards of the instant writ petition, it is submitted by the learned

advocate for the writ petitioners that on 10.01.2025 the writ petitioners made a representation with the respondent authorities but in vain.

6. It is, thus, submitted on behalf of the writ petitioners that appropriate relief/reliefs may be granted to the writ petitioners in terms of the prayers made in the instant writ petition.
7. Mr. De, learned Additional Government Pleader appearing on behalf of the respondent State and its instrumentalities in his usual fairness submits before this Court that the respondent no.4 authority may be directed to consider the representation of the writ petitioners in accordance with law.
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.5 authority to prepare a demarcation report after conducting a field verification with prior notice to the writ petitioners as well as to the respondent no.8 authority.
9. The respondent no.5 authority is further directed to submit his demarcation report with the respondent no.4 authority positively within 30 working days from the date of communication of the server copy of this order.
10. The respondent no.4 authority on receipt of such report from the respondent no.5 authority shall

consider the representation of the writ petitioners dated 10.01.2025 in the light of the report of the respondent no.5 authority and after giving a chance of hearing both to the writ petitioners and the respondent no.8, he shall pass a reasoned order and shall forthwith communicate the same both to the writ petitioners and the respondent no.8 authority preferably by mail, if the email details of the writ petitioners and the respondent no.8 are furnished to him at the time of hearing.

11. The entire exercise as indicated in the foregoing paragraph is to be completed by the respondent no.4 authority within 45 working days from the date of receipt of the report from the respondent no.5 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 copies of this order to the respondent nos.4 and 5 for their immediate compliance.
14. The respondent nos.4 and 5 are directed to act on the basis of the server copies of this order.
15. With the aforementioned observation the instant writ petition being WPA 12199 of 2025 is disposed of.
16. Before parting with it is made clear that in the event while passing the reasoned order the respondent no.4 authority finds sufficient justification in the

representation of the writ petitioners, he is directed to take appropriate consequential steps soon thereafter.

17. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Partha Sarathi Sen, J.)