

S/L 9
19.08.2025
Court No.17
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 12407 of 2025

Buddhya Ghosh & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Mahendra Prasad Gupta

Mr. Ayan Mitra

Ms. Moumita Dhar

Ms. Sweta Tiwari

...for the Petitioners.

Mr. Subhajit Chowdhury

...for the State.

Mr. Rahul Deb Goenka

Mr. Mainak Singha Barma

Ms. Satabdi Das

...for the Respondent Nos.8-9.

Affidavit of service filed on behalf of the petitioners be kept with the record.

The private respondent nos.8 and 9 had a pending representation before the Executive Engineer, Nadia, Highway Division (II), Public Works(Road) Directorate, the respondent no. 4 herein. In the said representation it was alleged that the petitioners have encroached upon the PWD Road and have put up construction thereon obstructing ingress and egress of the said respondents in their property.

The said respondents had filed writ petition being WPA 17782 of 2018 for removal of such encroachment. The said writ petition was disposed of by directing the said respondent no. 4 to consider and dispose of the said representation of the respondents.

In compliance with the said direction the order impugned dated March 06, 2025 has been passed.

Mr. Gupta, learned advocate for the petitioners submits that the impugned order was passed without serving any notice upon the petitioners and the concerned Revenue Officer though was obliged to demarcate the subject property but the order impugned has been passed without carrying out the said exercise.

Learned advocate for the State submits that the order of the learned Single Judge was affirmed in the appeal, the appeal Court had observed that there is no stay on the order

of removal of unauthorized construction; therefore, steps be taken with regard to the implementation of the said order.

Heard learned advocates for the parties; perused the materials on record.

In the order impugned it has been recorded that on January 10, 2025 the concerned B.L.&L.R.O. through E-mail has submitted the field enquiry and demarcation report vide Memo No. 104/BL&LRO/CKD/25 dated January 10, 2025.

In view of such finding, I am unable to accept the contention of Mr. Gupta that the demarcation of the subject property was not made. The respondent no. 6 upon consideration of the said demarcation report has passed the order of demolition with a finding that the land is recoded in favour of the Government of West Bengal under Khatian No. 1 and the subject property has been classified as Nayanjali. The report of the BL&LRO has indicated that there are shops on the subject plot of land and the owners thereof could not produce any document to justify their possession over it.

There is no illegality and/or infirmity in the order impugned warranting interference, WPA 12407 of 2025 therefore is dismissed without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

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

(Biswajit Basu, J.)