

07.07.2025
Sl. No.26
AMR
Ct.No.-19

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA No. 12578 of 2025

**Dr. Sailendra Kumar Bag
Vs.
The State of West Bengal & Ors.**

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

....for the petitioner

**Mr. S. M. Hassan
Ms. Anupama Yasmin**

...for Haldia Municipality

**Mr. Ashim Kumar Ganguly, Ld. AGP
Mr. Tarak Karan**

...for the State

1. The Affidavit-of-Service as filed today on behalf of the writ petitioner is taken on record.
2. By filing the instant writ petition, the writ petitioner has prayed for issuance of appropriate writ/writs against the respondent authorities commanding them to dispose of the representation of the writ petitioner as submitted on 22.04.2025.

3. It is the case of the writ petitioner that the writ petitioner is the recorded owner of the portions of plot Nos. 2713 and 2715 under Mouza- Chakdwipa.

4. It is the grievance of the writ petitioner that the respondent nos. 4 to 6/authorities i.e., the Haldia Municipality and its instrumentalities have substantially utilized the aforementioned land of the writ petitioner and/or portions thereof without initiating any valid acquisition process and/or without disbursing any compensation therefor.

5. It is submitted on behalf of the writ petitioner that finding no other alternative, the writ petitioner approached the respondent nos. 4 to 6/authorities and thereafter, a letter dated 25.07.2023 was issued by the respondent no. 6/authority addressed to the respondent no. 9/authority to make a demarcation report.

6. Drawing attention to the page no. 40 of the instant writ petition being a copy of Memo dated 25.09.2024, it is submitted by the learned advocate for the writ petitioner that under cover of a Memo dated 25.09.2024, the writ petitioner, however, contended that he had received no such letter of request from the respondent no. 9/authority.

7. It is, thus, submitted on behalf of the writ petitioner that in view of the factual scenario as discussed (supra) appropriate relief/reliefs may be granted to the writ petitioner in terms of the prayers of the instant writ petition.

8. Learned advocate appearing on behalf of the respondent nos. 4 to 6 also places reliance upon page 36 of the instant writ petition being a copy of Memo dated 25.07.2023 issued by the respondent no. 6/authority addressed to the respondent no. 9/authority.

9. It is submitted on behalf of the respondent nos. 4 to 6 that as on this day, no action has been taken by the respondent no. 9/authority.

10. Mr. Ganguly, learned advocate appearing on behalf of the respondent/State and its instrumentalities, however, contended that it is the specific case of the respondent no. 9/authority that he has received no such letter of request from the respondent no. 6/authority.

11. Considering the entire factual scenario, it, thus, appears to this Court that for some reason or other grievance of the writ petitioner regarding utilization of his land either in whole or a portion thereof remains

unattended at the instance of the respondent authorities.

12. In view of such, this Court, while disposing the instant writ petition, directs the respondent no. 9/authority to make a field verification after service of prior notice to the writ petitioner as well as to the respondent nos. 4 to 6 and thereafter to prepare a demarcation report and to submit the same with the respondent no. 7/authority.

13. It is made clear that the report is to be submitted by the respondent no. 9/authority with the respondent no. 7/authority within 31 working days from the date of communication of the server copy of this order.

14. The respondent no. 7/authority on receipt of such demarcation report from the respondent no. 9/authority shall issue notices upon the writ petitioner as well as upon the respondent nos. 4 to 6.

15. The respondent no. 7 is further directed to consider the representation of the writ petitioner in the light of the demarcation report as would be submitted by the respondent no. 9 and after giving a chance of hearing both to the writ petitioner as well as to the respondent nos. 4 to 6 shall pass a reasoned order and shall forthwith communicate the same both to the writ

petitioner and the respondent nos. 4 to 6 preferably by E-mail, if the Mail details of the writ petitioner is furnished to him at the time of hearing.

16. The entire exercise, as indicated in the foregoing paragraphs, is to be completed by the respondent no. 7/authority within 45 working days from the date of receipt of the report from the respondent no. 9/authority.

17. The time limits, as fixed by this Court, are mandatory and peremptory.

18. Liberty is hereby given to the learned advocate on record of the writ petitioner to communicate the server copy of this order along with a copy of Memo dated 25.07.2023 as issued by the respondent no. 6/authority to the respondent no. 9/authority for his immediate compliance.

19. Similar, liberty is given to the learned advocate on record for the writ petitioner to communicate another server copy of this order to the respondent no. 7 for his due compliance.

20. The respondent nos. 7 and 9 are directed to act on the server copy of this order.

21. With these aforesaid observations, the instant writ petition is disposed of.

22. Before parting with, it is made clear that in the event while passing the reasoned order, the respondent no. 7/authority finds sufficient merit in the representation of the writ petitioner dated 22.4.2025, he is directed to take appropriate consequential steps soon thereafter.

23. There shall be no order as to costs.

24. Urgent photostat certified copy of this order be given to the parties upon compliance of all legal formalities.

(Partha Sarathi Sen, J.)