

03.11.2025  
Ct. No.1  
Item No.5  
PG/KS

**W.P.A. (P) 208 of 2025**

**Sujit Biswas**

**-Vs.-**

**The State of West Bengal & Ors.**

Mr. Subhabrata Datta

Mr. Debashis Sarkar

Mr. Tushar Saha

.....For the Petitioner

Sk. Md. Galib, Sr. Govt. Adv.

Ms. Sujata Mukherjee

.....For the State

Md. Younush Mondal

.....For the Private Respondents

1. We have heard Mr. Dutta, learned advocate appearing for the petitioner, Sk. Md. Galib, learned Senior Government Advocate appearing for the State and Md. Mondal, learned advocate appearing on behalf of the private respondent.
2. By filing the instant writ petition, which is in the nature of a Public Interest Litigation, the writ petitioner has prayed for issuance of appropriate Writ against the respondent authorities, more specifically against the respondent nos.2 and 3 commanding them to conduct an enquiry with regard to the alleged encroachment at the instance of the private respondents over the property on which a school under the respondent no.4 is situated, particulars of which has been mentioned in paragraph 4 of the instant writ petition.

3. At the time of hearing, Mr. Dutta took us to the instant writ petition including its various annexures.
4. It is contended by Mr. Dutta that despite submission of complaint in writing, the respondent authorities have taken no steps as yet.
5. It is further submitted by Mr. Dutta, that sufficient materials have been placed before this Court to substantiate that the private respondents have encroached the Government land, which has been gifted for the purpose of construction of a school, building.
6. It is further submitted on behalf of the writ petitioner that the report, as submitted by the respondent no.4 authority is evasive as well as faulty one in view of the fact that such report does not depict that any field enquiry was done at all by a competent officer of the office of the jurisdictional BLRO and further the said report does not depict a clear picture with regard to the alleged encroachment, as highlighted in the instant writ petition.
7. It is thus submitted by Mr. Dutta that the writ petitioner is entitled to the reliefs, as prayed for, in terms of the prayers made in the instant writ petition.

8. Per contra, Mr. Galib, learned Senior Government advocate appearing on behalf of the respondent/State and its instrumentalities, at the very outset, took us to page 4 of the report as submitted on behalf of the State being a copy of the Memo dated 10.07.2025 as written by the Chairman, North 24 Parganas District Primary School Council addressed to the jurisdictional Additional District Magistrate (L & LRO), North 24 Parganas.
9. Mr. Galib also took us to page nos.7 and 8 of the report, as filed on behalf of the respondent/State.
10. It is submitted by Mr. Galib that from the said two pages it would reveal that the Revenue Inspector of the jurisdictional B.L. & L.R.O. personally went to the disputed plots and on the basis of the allegation made in the instant writ petition, a field enquiry was done and on the basis of such field enquiry, a site plan was prepared by Amin, as deputed by Revenue Inspector in his presence, which clearly indicates that no part of the construction of the private respondent is extended towards the land of the Zilla School Board, as wrongly alleged.
11. It is further submitted by Mr. Galib that from the report of the Revenue Inspector, as placed before the

jurisdictional B.L. & L.R.O. as evident from page 7 of the said report it would reveal further that 0.18 acre of land in Khaitan No.50/1 was recorded in the name of the Zilla School Board, which remain untouched on account of construction by the private respondent.

12. We have carefully considered the entire materials, as placed before us. We have given our anxious consideration over the submission of the learned advocates for the contending parties.
13. As rightly argued by Mr. Galib that the report, as submitted on behalf of the respondent/State and its instrumentalities is exhaustive one since, in our considered view, the same is based on field verification and demarcation report, which clearly indicates that no part of the land of the Zilla School Board under the respondent no.4 authority has been encroached by the private respondents.
14. In absence of any contrary materials, this Court thus finds no reason whatsoever to disbelieve the report, as submitted on behalf of the respondent/State before this Court.
15. This Court thus finds no merit in the instant writ petition.
16. Accordingly, W.P.A.(P) 208 of 2025 is dismissed.

17. There shall be, however, no order as to costs.
18. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

**(SUJOY PAUL, ACJ.)**

**(PARTHA SARATHI SEN, J.)**