

Court No. 8
28.07.2025
Item No.44
PA(Chamber)

WPA (P) No. 224 of 2025

Monojit Pal & Anr.
VS
THE STATE OF WEST BENGAL AND ORS.

Ms. Sanjukta Samanta
Mr. Romit Dutta

...for the Petitioner

Mr. Jahar Lal Dey
Ms. Sumita Shaw,
Mr. Diptendu Narayan Banerjee
Mr. Soumen Chatterjee

...for the State

1. Heard Ms. Sanjukta Samanta, Learned Counsel appearing on behalf of the petitioners as well as Mr. Jahar Lal Dey, the Learned Counsel appearing on behalf of the State Respondents and the Private Respondents, being respondent Nos. 9 to 12.

2. The instant writ petition is in the nature of a public interest litigation, filed by the petitioner praying inter alia for the following relief(s):-

“a) *To dispense with the rule 26A of the High Court appellate side rules regarding service of notice upon respondents herein;*

b) *Writ of and/or in nature of mandamus do issue commanding the respondents to remove and demolish the illegal and unauthorized constructions as well as encroachments over*

the lands for public usage situated within L.R. Dag Nos. 1150/1861 and 1150/1852 at J.L. No. 216, Block – Memari 1, Police Station – Memari, Mouja – Alipur, District – Purba Bardhaman raised and encroached by the private respondents herein;

c) Writ of and/or in nature of mandamus do issue commanding the respondents to consider all the complaints and representations made by the Petitioner No. 1 herein within Annexure P4 annexed to this instant Petition against the illegal encroachment and construction by the private respondents herein over lands for public usage situated within L.R. Dag Nos. 1150/1861 and 1150/1852 at J.L. No. 216, Block – Memari 1, Police Station – Memari, Mouja – Alipur, District – Purba Bardhaman;

d) Writ of and/or in nature of mandamus do issue commanding the Plots situated within L.R. Dag Nos. 1150/1861 and 1150/1852 at JL No. 216, Block – Memari 1, Police Station – Memari, Mouja – Alipur, District – Purba Bardhaman and detect the measurement and demolish the same in accordance with law;

e) Writ of and/or in nature of mandamus do issue commanding the respondents to render appropriate police protection to life and liberty of the petitioners herein;

- f) Rule NISI in terms of prayer (a), (b), (c), (d) and (e) as above;*
- g) Pass an interim order in terms of the prayer made above;*
- h) Ad interim order in terms of prayers above;*
- i) And pass such other and/or further order/orders as Your Lordship may deem fit and proper.”*

3. In a nutshell the case of the petitioner is that the private respondent Nos. 9 to 12 being the owners and the occupiers of the lands situated at Dag Nos. 1064 and 1150 have illegally encroached the land used for public purpose situated within Dag No. 1150/1861 and 1150/1852 by constructing a building illegally and unauthorizedly over the SAUD lands by installing an iron gate restraining the general public to use the said land for their usage purpose.

4. It is further submitted that since 11.7.24 the petitioner No. 1 had lodged several complaints before the respondent authorities. Despite such complaints, the private respondents continued illegal encroachment over the said properties used for public.

5. It is further submitted that an application dated 14.11.24 was submitted before the

respondent no. 6 to expedite the process of restoration and measuring the said plot of lands in question. Despite making such application to the respondent No. 6, no steps were taken till date to remove such illegal encroachment from the public usage.

6. In view of the aforesaid we deem it proper to dispose of this PIL by directing the respondent No. 3, the District Magistrate to consider the applications dated 11.7.24 and 14.11.24 respectively by affording an opportunity of hearing to the interested parties and pass a reasoned order in accordance with law. Preferably within a period of 30 days and communicate the same accordingly. It is made clear that in the event if any illegality is surfaced, the Respondent No. 3 shall take necessary steps forthwith.

7. This PIL is disposed of without expressing any opinion on the merits of the case.

(SUJOY PAUL, J)

(SMITA DAS DE, J.)