

Item No.16
25.06.2025
Court. No. 19
GB

W.P.A. 14765 of 2024

Matleb Mallick
Vs.
The State of West Bengal & Ors.

Mr. Raj Kumar Sain

...for the Petitioner.

*Mr. Chandi Charan De, Ld. AGP,
Mrs. Reshma Chatterjee*

...for the State.

*Mr. Udaynarayan Betal,
Mr. Bhaskar Hutait,
Mr. Mriganka Patra*

...for the Respondent No.9.

1. The affidavit-of-service as filed today 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 for taking appropriate steps against the private respondents for their eviction from the government land.
3. In course of hearing Mr. Sain, learned advocate appearing on behalf of the writ petitioner at the very outset draws attention of this court to page no.20 of the instant writ petition, being a copy of the representation dated 25.04.2024 as submitted by the writ petitioner with the respondent no.5 authority alleging that on account of illegal encroachment of the private respondents over the PWD land, he is facing difficulty to utilize his own land being LR Plot nos.2384 and 2385 in Mouza – Changra under Police Station – Moyna.

4. It is submitted that despite such submission of representation the respondent no.5 authority had not taken any steps. It is, thus, submitted by Mr. Sain that appropriate relief/reliefs may be granted to the writ petitioner in terms of the prayer made in the instant writ petition.
5. Mr. De, learned Additonal Government Pleader appearing on behalf of the respondent State in his usual fairness submits before this Court that the respondent no.5 may be directed to consider the representation of the writ petitioner in accordance with law.
6. Per contra, Mr. Betal, learned advocate appearing on behalf of the respondent no.9 in course of his argument has handed over a photograph, photocopies of some mouza map and print out of two information slips in respect of Plot No.121 in Mouza – Garh Moyna and over Plot no.2384 in Mouza – Changra both in Block – Moyna, District Purba Medinipur which are taken on record.
7. It is submitted by Mr. Betal that from the photograph as placed before this Court it would reveal that the writ petitioner is making a construction over a water body without making conversion of its classification. It is submitted further that from the print out of the information slip it would reveal that Plot No.2384 over which the writ petitioner claims his ownership, is still classified as ‘Jal’ (water body).

8. It is further submitted by Mr. Betal that from the mouza maps as placed before this Court it would reveal further that Plot no.121 in Mouza – Moyna stands in the name of the predecessor-in-interest of the private respondents and the said Plot No.121 though is contiguous to the Plot Nos.2384 and 2385 but in different mouza. It is further submitted by Mr. Betal that a public road is situated on the opposite side of Plot No.121 and, therefore, the allegation of the writ petitioner that on account of alleged encroachment by the private respondents, he is unable to use his Plot Nos.2384 and 2385 has got no basis at all.
9. Considering 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.6 authority to make a field verification after ensuring prior service of notices upon the writ petitioner and the private respondents and to prepare a demarcation report as well as a separate report as to whether Plot Nos.2384 and 2385 are classified as water body or 'danga' and/or 'bastu' and further over those two plots, that is, on Plot Nos.2384 and 2385 any construction is going on without any conversion.
10. After preparation of the aforementioned two reports, the respondent no.6 authority is directed to place the

demarcation report before the respondent no.5 authority.

11. The respondent no.5 authority on receipt of such report shall cause service of notice upon the writ petitioner and the private respondents and after giving an opportunity of hearing both to the writ petitioner and the private respondents and/or their authorized representatives shall pass a reasoned order over the representation of the writ petitioner in accordance with law and forthwith communicate the same to the writ petitioner and the private respondents preferably by mail, if the email details of the writ petitioner and the private respondents are furnished to him at the time of hearing.
12. The entire exercise as indicated in the foregoing paragraph is to be completed by the respondent no.6 authority within 30 working days from the date of communication of the server copy of this order.
13. It is further directed that the respondent no.5 authority shall have to pass the reasoned order within 45 working days from the date of receipt of the report from the respondent no.6 authority.
14. The time limits as fixed by this Court are mandatory and peremptory.
15. Before parting with it is made clear that in the event the respondent no.5 authority while passing the reasoned order found sufficient merit in the representation dated 25.04.2024 as submitted by the

writ petitioner, he shall forthwith initiate a proceeding under Section 10 of the West Bengal Highways Act, 1964 against the encroacher(s), if there be any.

16. Before parting with it is further made clear that in the event the respondent no.6 authority finds that a construction is going on over Plot Nos.2384 and 2385 in Mouza – Changra without making proper conversion, he shall take appropriate steps against the recorded owner of the said two plots both civil and criminal forthwith.
17. Liberty is given to the learned advocates for the parties to communicate the server copies of this order to the respondent nos.5 and 6 for their immediate compliance.
18. With the aforementioned observation the instant writ petition being WPA 14765 of 2024 is disposed of.
19. 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.)