

S/L 3
20.05.2025
Court. No. 19
Sourav

WPA 15406 of 2023

**Jaya Seth & Anr.
Vs.
The State of West Bengal & Ors.**

*Mr. Ashok Kr. Banerjee, Sr. Adv.
Mr. Samiran Mandal
Mr. Abhinaba Dan
Mr. Nitish Samanta*

...for the petitioners.

*Mr. Soumitra Bandyapadhyay, Sr. Adv.
Mr. Srinath Singha Roy*

...for the State.

1. Pursuant to the order passed by this Court on 14.05.2025, Mr. Soumyabrata Das, BL & LRO, Tamluk-I, District – Purba Medinipur is present in-person before this Court and his personal appearance is noted and dispensed with.
2. This Court has heard Mr. Banerjee, learned Senior Advocate appearing on behalf of the writ petitioners and Mr. Bandyapadhyay, learned Senior Government Advocate appearing on behalf of the respondent/State at length.
3. By filing the instant writ petition, the writ petitioners have prayed for issuance of appropriate writ/writs against the respondents/authorities commanding them not to make construction of the boundary wall over the acquired Plot Nos. 410 and 411 at Mouza – Chak Srikrishnapur under P.S. Tamluk, District – Purba Medinipur since according to the writ petitioners such construction is going to violate and/or cause obstruction to the free egress and ingress of the writ petitioners to their Plot No. 410 from the link road connecting the nearby National Highway.

4. At the time of hearing, Mr. Banerjee, learned Senior Advocate submits before this Court that admittedly a portion of Plot Nos. 410 and 411 have been acquired by the respondent/State for construction of an administrative building over such acquired land. It is the further case of the writ petitioners that the writ petitioners are the recorded owners of the remaining portion of Plot Nos. 410 and 411 within the same Mouza and all along the writ petitioners are using the link road to National Highway since from Plot No. 410, there is no other approach road.
5. At the time of hearing, Mr. Banerjee, learned Senior Advocate submits before this Court that the very purpose of filing the instant writ petition would be sub-served if a space is kept open over the said acquired plot of land so that the writ petitioners can use the said space for approaching the link road from Plot No. 410.
6. At this juncture, Mr. Banerjee draws attention of this Court to a sketch map (coloured) as has been annexed with the exception to the report as affirmed on 16.05.2024. Drawing attention to Page No. 8 of the said exception, it is submitted by Mr. Banerjee that on perusal of the said sketch map, it would reveal that in and around Plot No. 410, there are several plots of land and thus in the event, the boundary wall is permitted to be constructed over the acquired portion of the Plot No. 410 without leaving any space, the writ petitioners would be deprived from using the said plot of land being Plot No. 410 in a profitable manner since on account of such construction the access to Plot No. 410 would be totally closed.

7. Per contra, Mr. Bandyapadhyay, learned Senior Government Advocate appearing on behalf of the respondent/State draws attention of this Court to the report of the respondent no. 4 as affirmed on 01.12.2019. It is submitted by Mr. Bandyapadhyay that from the said report, it would reveal that the writ petitioners are the owners of Plot No. 409 where Hotel Raj has been constructed and the said Plot No. 409 is contiguous to National Highway. It is thus submitted by Mr. Bandyapadhyay that it is preposterous to suggest that the writ petitioners being the owners of Plot Nos. 409 and 410 would lose right of entry in Plot No. 410 as wrongly claimed by the writ petitioners.
8. This Court has meticulously gone through the entire materials as placed before this Court. This Court has also duly considered the submission of the learned advocates for the contending parties.
9. On careful consideration of the entire materials as placed before this Court, it reveals that sufficient materials have been placed before this Court that in respect of unacquired Plot No. 410, the writ petitioners are the recorded owners. It further reveals that the unacquired portion of Plot No. 410 belonging to the writ petitioners is contiguous to the link road to the nearest National Highway.
10. On comparative study of the report as submitted on behalf of the respondent/State as well as the exception to such report, more specifically, the two sketch maps as have been annexed therewith, it appears to this Court that admittedly the unacquired portion of Plot No. 410 belonging to the

writ petitioners is surrounded by various plots except to its north, there exists a link road. Though a case has been made out on behalf of the respondent/State that since the writ petitioners are the owners of Plot No. 409, there cannot be any predicament on the part of the writ petitioners to get access to Plot No. 410 since they can take such entry to Plot No. 409.

11. In considered view of this Court, the submission as made on behalf of the respondent/State is not at all acceptable in view of the fact that for profitable use of the Plot No. 410, the writ petitioners cannot be compelled to use the Plot No. 409.
12. In view of such discussion and keeping in mind the statutory provisions of Article 300A of the Constitution of India, this Court while disposing the instant writ petition, directs the respondent/State to keep a 6ft. open space in between Plot No. 410 and the link road to National Highway so that the writ petitioners can get their easy access to Plot No. 410 from the link road.
13. With the aforementioned observations, the instant writ petition being **WPA 15406 of 2023** is disposed of.
14. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)