

04
07.08.2025
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 17875 of 2025

**Tanuja Sardar & Anr.
-versus
The State of West Bengal & Ors.**

**Mr. Debajyoti Deb,
Mr. Tamal Ghosh,
Ms. Somdyuti Parekh,
Mr. Harshawardhan Kumar Jha.
...For the Petitioners.**

**Mr. Biman Halder.
...For the State.**

1. Affidavit of service filed in Court today is taken on record.

2. The petitioners allege that the Chief Medical Officer of Health, South 24-Parganas is taking steps for construction of a primary health centre over the raiyati plot of land of the petitioners.

3. The petitioners have annexed the copy of the record of rights to suggest that some portion of plot no. 1202 is recorded in favour of the petitioners. Patta was also granted in their favour by the State.

4. The petitioners assert that the portion belonging to the petitioners is clearly demarcated.

5. On a perusal of the record of rights it appears that the entire plot no.1202 do not belong to the petitioners. Only portion of the same, which the petitioners claim to have been demarcated, belongs to them. An objection from the end of the petitioners is

pending consideration before the Chief Medical Officer of Health.

6. The petitioners have brought to the notice of the Court that the Chief Medical Officer of Health by a communicating memo being No. CMOH (SPG)/5685 dated 25th July, 2025 have requested the Block Medical Officer of Health to investigate into the matter.

7. As the objection filed by the petitioners is pending consideration at the end of the Chief Medical Officer of Health, accordingly, the instant writ petition is disposed of by directing the Chief Medical Officer of Health to look into the matter and ensure that the raiyati land of the petitioners are not encroached upon by the State authority.

8. In the event the State respondents requires the land of the petitioners for any public purpose, then steps may be taken for acquisition of the same strictly in accordance with law.

9. The aforesaid respondent is directed to grant an opportunity of hearing to the petitioners prior to taking a final decision on the objection filed by the petitioners. Steps shall be taken in the matter at the earliest but positively within a period of eight weeks from the date of communication of this order.

10. If in the meantime any construction is made over the land of the petitioners, then the said construction shall abide by the decision to be taken by the Chief Medical Officer of Health in this regard.

11. The writ petition stands disposed of.

12. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)