

Court No. 8
21.08.2025
Item No.33
PA (Chamber)

WPA (P) No. 332 of 2025

Amit Ghosh
VS
The State of West Bengal & Ors.

Mr. Dilip Kumar Sinha
...for the petitioner

Mr. Amitabrata Roy, Ld. GP
Mr. Nilotpol Chatterjee,
Ms. Deboleena Ghosh
...for the State

Dictated by Smita Das De, J.

1. Heard Mr. Dilip Kumar Sinha, appearing on behalf of the petitioner as well as Mr. Amitabrata Roy, learned GP, appearing on behalf of the State.
2. The instant writ petition has been filed in the nature of public interest litigation by the petitioner praying inter alia for the following relief(s):-

“a) A Writ of or in the nature of mandamus by commanding the respondent authorities and/or each one of them and their men and agents, colleagues and collaborators more particularly the respondent Nos. 3 and 5 to remove the unauthorized encroachment from the public property/premises to extend the primary school’s building and village road for the interest of the public at large having considered the petitioners’ representation;

b) A writ of or in the nature of mandamus by commanding the respondent authorities particularly the respondent Nos. 3 and 5 to

remove the unauthorized encroachment from the public place which is obstructing the development work of the area.

c) A writ of or in the nature of certiorari by directing the respondents and each one of them and their men and agents, colleagues to certify and transmit all relevant papers and documents pertaining to this instant case to the Hon'ble Court, so that conscionable justice may therein be administered and by directing them to remove the unauthorized encroachment from the public place more particularly which create obstruction to a development work in the questioned plot of land.

d) Rule NISI in terms of the prayers (a), (b) and (c) as stated hereinabove and to make the Rule absolute if no cause or sufficient cause is shown in answering respondent;

e) Order for cost and other incidental expenses to the instant petition to be paid to the petitioners by the respondents;

f) Pass such other or further order as Your Lordship may deem fit and proper to the instant case."

3. The issue involved in the instant PIL pertains to removal of the unauthorized encroachment made by the private respondents by way of erecting pucca structure upon the land being plot No. 136 under Mouza-Khar Ramkrishnapur, J.L. No. 68, Khatian NO. 1 (vested Khatian) adjacent to one primary school and a public village road maintained by Panchayat.

4. Owing to such encroachment upon the land in question by the private respondents, the students are facing acute problems. The concerned Panchayat and Panchayat Samiti are also unable to extend the road for the interest of the public at large.

5. In conspectus of the above, the respondent No. 3 is directed to consider the representation dated 29.7.2025 upon affording opportunity of hearing and pass a reasoned order in accordance with law within 30 days from the date of communication of the said order. The order of the respondent No. 3 shall be communicated to the interested parties within 7 days there from.

6. In view of the above, the PIL is disposed of without expressing any opinion in the merits of the case. No order as to cost.

(SUJOY PAUL, J.)

(SMITA DAS DE, J.)