

S/L 16
11.09.2025
Court. No. 19
Sourav

WPA 21185 of 2025

Sanatan Giri & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Soumen Kumar Dutta

Mr. Subham Dutta

...for the petitioners.

Mr. Ayan Banerjee

Mr. Subhasish Banerjee

...for the State.

1. The affidavit-of-service as filed today on behalf of the writ petitioner is taken on record.
2. The subject matter of the instant writ petition is the order dated 20.06.2025 as passed by the Secretary of the respondent no. 6/authority whereby and whereunder the present writ petitioners were directed to dismantled the alleged unauthorized construction.
3. At the time of hearing, Mr. Dutta, learned advocate appearing on behalf of the writ petitioner draws attention of this Court to Page Nos. 86 to 88 of the instant writ petition, being a copy of the order dated 05.12.2024 as passed in WPA 15906 of 2024 (Agasti Charan Ghosh Vs. The State of West Bengal & Ors.) by a co-ordinate Bench of this Court whereby and whereunder, the said co-ordinate Bench while disposing the said writ petition directed the jurisdictional BL & LRO to submit a demarcation report upon causing a physical inspection at the disputed land securing prior service of notice upon all the stakeholders with a further direction to the said jurisdictional BL & LRO to submit

such demarcation report with the jurisdictional Assistant Engineer who is the respondent no. 4/authority herein.

4. It further reveals from the said order dated 05.12.2024 that the jurisdictional Assistant Engineer was directed to give notice of hearing to the writ petitioners and the private respondents of the said writ petition and after giving them an opportunity of hearing directed the respondent no. 4/authority herein to dispose of the representation of the writ petitioner in WPA 15906 of 2024 by passing a reasoned order within a stipulated period.
5. As rightly pointed out by the learned advocate for the writ petitioners that the Secretary of the respondent no. 6/authority on his own wisdom practically entered into the jurisdiction of the respondent no. 4/authority and passed an order for removal of the encroachment which in considered view of this Court is beyond the authority of the Secretary of the respondent no. 6/authority.
6. In view of the discussion made hereinabove, this Court thus finds sufficient merit in the instant writ petition.
7. Consequently, the instant writ petition being **WPA 21185 of 2025** is allowed.
8. Consequently, the order dated 20.06.2025 as passed by the Secretary of the respondent no. 6/authority is hereby quashed.
9. Before parting with, it is, however, made clear that the disposal of the instant writ petition in favour of the writ petitioners will not create any equity in favour of the

writ petitioners in the event, the jurisdictional BL & LRO, the jurisdictional Assistant Engineer, P.W.D. and the jurisdictional SDO take appropriate action against the present writ petitioners in terms of the order dated 05.12.2024 as passed in WPA 15906 of 2024 by a co-ordinate Bench of this Court.

10. Liberty is given to the learned advocate on record for the writ petitioners to communicate the server copy of this order to the respondent no. 6/authority.
11. Learned advocate on record for the respondent/State is also requested to communicate the server copy of this order to the respondent nos. 2 and 4 forthwith.
12. 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.)