

Court No. 8
16.09.2025
Item No.21
PA (Chamber)

WPA (P) No. 389 of 2025

Samiul Alim & Ors.
VS
The State of West Bengal & Ors.

Mr. Anindya Bose
Mr. Golam Mohinuddin
...for the Petitioner

Mr. Biswabrata Basu Mallick
Mr. Ashmita Chokraborty
...for the State

Dictated by Smita Das De, J.

1. Heard the parties through their respective counsels.
2. The instant public interest litigation has been filed by the petitioners praying inter alia, for the following relief(s):-

“a. A Writ of and/or in the nature of mandamus commanding the respondents, each one of them, their servants, agents and/or assigns not to allow establishment of any “Hat” on the said land without due conversion;

b. A Writ of and/or in the nature of Mandamus commanding the respondents, each one of them, their servants, agents and/or assigns to forthwith issue stop work notice in respect of the setting up of any “Hat” on the said land;

c. A Writ of and/or in the nature of Mandamus commanding the respondents, each one of them, their servants, agents and/or assigns to consider and take necessary steps on the basis of the complaint dated 27.08.2025;

d. Pending the final disposal of this petition grant interim orders directing the respondents, each one of them, their servants, agents and/or assigns to forthwith issue stop work notice in respect of the setting up of any “Hat” on the said land till the disposal of the writ petition;

e. Pass ad interim orders in terms of prayer (b) above.

f. Pass such other and/or further order(s)/ directions(s) as may seem fit and proper.”

3. The petitioners are the villagers of Aturia, Belgoria, Katiahat and Khorgachi within the jurisdiction of Baduria Police Station, District-North 24-Parganas.

4. The main grievance of the petitioners are against the private respondents who have set up a “Hat” on the land situated at Dag No. 805, 806, J.L no. 96, Khatian Nos. 2895, 2892, 1768 and 2909, Mouza: Katia, Police Station: Baduria, District: North 24 Parganas despite the land being classified as ‘Bilan’, an agricultural land as per revenue records.

5. The petitioners made a representation on 27.8.2025 before the respondent authorities complaining thereby the illegal setting up of ‘Hat’ without conversion over the plot being Dag No. 805, 806 of the land in question.

6. It is submitted by the petitioner that the license has been granted by the Panchayat Samity in contravention to the terms of West

Bengal Panchayat Samity Administration Rule 2008.

7. The respondent No. 2 is directed to consider the representation dated 27.8.25 and pass a reasoned order upon affording opportunity of hearing to all the interested parties preferably within a period of 60 days from the date of the communication of the said order. The order passed by the respondent No. 2 shall be communicated to the interested parties accordingly.

8. However, it is made clear that during the course of hearing if it is found that the 'Hat' has been established illegally then the authority concerned should take appropriate steps in accordance with law by restoring the land to its original character within a stipulated time.

9. The PIL is disposed of without going into the merits of the case.

(SUJOY PAUL, J)

(SMITA DAS DE, J.)