

21.11.2025
Item No.24
Ct. No.1
PG

W.P.A.(P) 468 of 2025
With
I.A. No. CAN 1 of 2025
Mohan Ghosh & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Dilip Kr. Sinha.....for the petitioners

Mr. Swapan Kr.Dutta, Ld. GP

Mr. Nilotpal Chatterjee

Ms. Rajyoshree Mukherjee.....for the State

Mr. Abhinaba Dan

Ms. Shreyashee Mitra.....for the applicant in
I.A. No. CAN 1 of 2025

PER PARTHA SARATHI SEN, J:

Re: I.A. No. CAN 1 of 2025

1. This is an application for addition of party by the applicant, one Smt. Gita Rani Chakraborty. On perusal of the application under consideration and after hearing the learned advocate for the applicant, learned advocate for the writ petitioners and learned advocate for the respondent/State and on careful perusal of the entire materials, as placed before this Court by way of annexure to the instant interlocutory application being I.A. No. CAN 1 of 2025, it appears to us that the applicant is successful in making out an arguable case for impleading her as a party/respondent in the instant writ petition.
2. It further appears to this Court that for proper adjudication of the dispute as involved in the

instant writ petition, the presence of the present applicant is very much necessary inasmuch as *prima facie* materials have been placed to substantiate that at one material time, long-term lease deed was executed in favour of the present applicant by the jurisdictional District Magistrate.

3. In view of such observation, I.A. No. CAN 1 of 2025 is hereby allowed. Consequently, the applicant Smt. Gita Rani Chakraborty is added as a party/respondent no.9 in the instant writ petition.
4. Department is directed to make necessary correction and/or insertion in the cause title of the instant writ petition in terms of the aforementioned order.

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5. Supplementary affidavit, as filed on behalf of the writ petitioners is taken on record.
6. On perusal of the prayer in the instant writ petition, it appears to this Court that the writ petitioners approached before us with a prayer for issuing appropriate writ/writs against the respondent authorities, more specifically against the respondent no. 3 authority to remove the unauthorised encroachment from the public property or public premises, particulars of which has been mentioned in page-14 of the instant writ petition.

7. It is submitted on behalf of the writ petitioners that some illegal pucca construction have been made over Plot No. 610, which is recorded in Khatian No. 1. Such contention is vehemently opposed by the learned advocate appearing on behalf of the added respondent.
8. At this juncture, Mr. Nilotpal Chatterjee, learned advocate appearing on behalf of the respondent/State submits that in order to decide the disputed questions of fact, it would be apt to ask the respondent no. 3 authority to decide such disputed questions of fact, as involved in the instant writ petition. Such proposal has been readily accepted by the learned advocate for the writ petitioners as well as the learned advocate for the added respondent.
9. In view of the consensus as arrived at, we dispose of the instant writ petition by directing the respondent no. 3 i.e. the Sub-Divisional Officer, Ghatal to consider the mass representation, a copy of which has been annexed at page 15 of the instant writ petition and after giving an opportunity of hearing to the writ petitioners, private respondent as well as any other stakeholders, if there be any and also after obtaining a demarcation report from the jurisdictional Block Land and Land Reforms

Officer, shall pass a reasoned order on such representation and shall communicate the same forthwith to the writ petitioners, private respondent as well as any other stakeholders, if there be any.

10. The entire exercise, as indicated in the foregoing paragraph is to be completed by the respondent no. 3 i.e. the Sub-Divisional Officer, Ghatal positively within 45 working days from the date of communication of server copy of this order.
11. The time limit, as fixed by this Court is mandatory and peremptory.
12. Before parting with, we request Mr. Chatterjee, learned advocate for the State to communicate the server copy of this order to the respondent no. 3 i.e. the Sub-Divisional Officer, Ghatal for his due compliance.
13. With the aforementioned observations/directions, this writ petition is disposed of.
14. It is however, made clear that while disposing the instant writ petition, we have not entered into the merits of the instant writ petition as well as to the merit of the said mass representation and therefore, all points are kept open for adjudication before the respondent no. 3 i.e. the Sub-Divisional Officer, Ghatal.

15. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(SUJOY PAUL, ACJ.)

(PARTHA SARATHI SEN, J.)