

D/L- 11
06/02/2026
Ct. No.-19
Aritra

WPA 1374 of 2026

**Rina Jana
Vs.
The State of West Bengal & Ors.**

Mr. Mukteswar Maity
Mr. Sk. Aktar Hossain
Ms. Manika Sarkar

....for the petitioner

Mr. Santanu Kr. Mitra, Sr. Govt. Adv.
Mr. Subrata Biswas

....for the State

Mr. Sk. J. Alam

....for the respondent No.12

Affidavits of service filed in Court today are taken on record.

The petitioner has prayed for direction upon the respondent authorities to remove the encroachment made by the private respondents upon the *Bastu* land of the petitioner being L.R. Plot Nos.951 and 952 under L.R. Khatian No.1190 within Mouza-Antila.

Objections have been raised by the learned advocate for the State and the private respondent that a dispute with regard to the encroachment upon a private property cannot form the subject matter of a writ petition.

In support of such contention, the learned advocate appearing for the private respondent draws attention of the Court to the prayers in the writ petition as well as the

statements made in paragraph 3 of the representation dated September 22, 2025.

The learned advocate appearing for the petitioner submits that the private respondents have encroached upon a portion of the *Raiyati* property of the petitioner as well as upon the PWD road.

A dispute as to the encroachment upon the *Raiyati* property cannot be decided in a writ petition.

Faced with such submission, the learned advocate appearing for the petitioner prays for liberty file a fresh representation before the respondent authorities.

In the light of the submissions made by the learned advocate for the petitioner, WPA 1374 of 2026 stands disposed of by giving liberty to the petitioner to file an appropriate representation before the concerned authority. If such a representation is made, the concerned authority shall consider the same in accordance with law.

There will be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Hiranmay Bhattacharyya, J.)