

SL. 5
18.02.2026
Court No.19
BP

WPA 2850 of 2026

Salauddin Mokami
-versus-
The State of West Bengal and others

Mr. Samim Ahammed
Ms. Ambiya Khatun
Ms. Reshma Khatun
..for the petitioner

Mr. Lalit Mohan Mahata
Mr. Himadri Kumar Mahata
..for the State

Mr. Mrinal Kanti Ghosh
Mr. Chandra Nath Sarkar
..for the respondent no.8

The petitioner claims to be the owner of L.R. Plot No. 227 corresponding to R.S. Dag No. 189 within Mouza Deula under Police Station Usthi in the District of 24 Parganas (South). The petitioner alleges that the private respondent has encroached upon the PWD road being L.R. Plot No. 1752 corresponding to R.S. Plot No. 190/1502 thereby causing obstruction to the ingress and egress of the petitioner from his property to the PWD road. The petitioner approached this Court on an earlier occasion by filing a writ petition being WPA 29771 of 2024 which was disposed of by Co-ordinate Bench by an order dated 12th March, 2025 by directing the Assistant Engineer, PWD, Jaynagar Sub-Division to conduct a hearing and to dispose of the matter by passing a reasoned order. Pursuant to the order passed in the aforesaid writ petition a hearing was conducted and an

order was passed by the Assistant Engineer on 2nd September, 2025.

The learned advocate appearing for the petitioner submits that no proper demarcation of the plots in question was made and, therefore, the order dated 2nd September, 2025 calls for interference.

Mr. Mahata, learned Additional Government Pleader submits that demarcation of the plots in question was made in the presence of the petitioner and the private respondent and after such demarcation the demarcation report was supplied to the respective parties including the petitioner. He submits that upon demarcation it was found that several plots are situated in front of the L.R. Plot No. 227 which do not belong to the PWD department.

Mr. Ghosh, learned advocate appears for the private respondent. He submits that the petitioner and the private respondent are co sharers in respect of L.R. Plot No. 227. He submits that the private respondent has share to the extent of two decimals in the said plot whereas the share of the petitioner is only about one decimal in the suit plot.

Heard the learned advocates for the respective parties and perused the materials placed.

The learned advocate appearing for the petitioner vehemently contends that proper demarcation could not be made as garbage was dumped on the disputed plots.

Such submission is disputed by the learned advocate for the State and the private respondent.

Be that as it may, the relevant portion of the mouza map obtained from the official website of the Land and Land Reforms Department of the Government West Bengal is annexed to this writ petition. On a bare perusal of the said sketch map and the position of the plots in question namely two L.R. Plot No. 227 and L.R. Plot No.1752 it appears that several other plots have intervened the aforesaid two plots. Thus from the mouza map it is evident that the raiyati property of the petitioner is not lying adjacent to Plot No. 1752 which is the PWD road. The primary grievance of the petitioner was that the private respondent has encroached upon the PWD road which is lying adjacent to the raiyati property of the petitioner. The order dated 2nd September, 2025 specifically states that several plots are lying in front of L.R. Plot No. 227 and such plots do not belong to PWD Department. No material has been produced by the petitioner in support of her contention that the plots which are lying in front of L.R. Plot No. 227 as mentioned in the order dated 2nd September, 2025 or that appearing from the mouza map belongs to the PWD. In the impugned order it has been recorded that there is no PWD land in front of the petitioner's plot. Such factual finding could not be controverted by the petitioner in course of hearing of this writ petition.

For such reason, this Court holds that the order of the Assistant Engineer, Public Works Department, Jaynagar Sub-Division dated 2nd September, 2025 do not suffer from any infirmity warranting interference in exercise of the powers of judicial review under Article 226 of the Constitution of India.

Accordingly, WPA 2850 of 2026 stands dismissed without however any order as to costs.

There shall be however no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)