

09.03.2026

Item No.1

Ct. No.1

PG

W.P.A. 2056 of 2024
Sekhar Das
Vs.
The State of West Bengal & Ors.

Mr. Samaresh Chandra Dhara
.....for the petitioner

Mr. Ranjan Sahafor the State

Mr. Parashar Baidya
Ms. Sanjana Basu
.....for the respondent no. 12

PER, PARTHA SARATHI SEN, J.:

1. The writ petitioner, the respondent/State and its instrumentalities and the private respondents are represented by their respective learned counsels.
2. By filing the instant writ petition, the writ petitioner has prayed for issuance of appropriate writ/writs against the respondent authorities, more specifically against the respondent no. 4 commanding him to demolish/remove the illegal, unauthorised shop room, as has been allegedly constructed by the respondent no. 12 in the land of Taherepur Lalbahadur Shastri Vidyapith (HS), Post

Office-Taherpur, District-Nadia (hereinafter referred to as the 'said school' in short).

3. At the time of hearing, learned advocate appearing on behalf of the writ petitioner at the very outset, draws our attention to page nos. 19 and 20 of the instant writ petition being annexure-'P2' and annexure-'P3'.
4. It is submitted on behalf of the writ petitioner that from the said two annexures, it would reveal that 02 acres of land in Mouza No. 4 of Taherpur has been allotted to the said school. It is further submitted that in the said plot of land, the building of the said school was constructed.
5. At this juncture, learned advocate appearing on behalf of the writ petitioner draws our attention to page nos. 33 and 34 of the instant writ petition being copies of two letters dated 21.03.2022 and 14.07.2022, as have been written by the Teacher-in-Charge of the said school to

the jurisdictional BL & LRO as well as to the respondent no. 4 authority, whereby and whereunder the said teacher-in-charge of the said school made a specific allegation against the private respondent regarding illegal encroachment of a portion of the school's land by raising a tin shed thereon. It is further submitted that from the other annexures, it would reveal that on receipt of such complaint, the jurisdictional BL & LRO fixed a date for demarcation of the land, as would be evident from page no. 35 of the instant writ petition.

6. It is, thus, submitted that since the writ petitioner has made out a plausible case, appropriate relief/ reliefs may be granted to the writ petitioner in terms of the prayers made in the instant writ petition.
7. Learned advocate appearing on behalf of the respondent/State and its instrumentalities submits before this Court that the respondent no. 4 authority

being the Sub-Divisional Officer, Ranaghat, Nadia may be directed to consider the writ petitioner's grievance after obtaining the demarcation report from the jurisdictional BL & LRO and after hearing all the stakeholders, if there be any.

8. *Per contra*, learned advocate appearing on behalf of the respondent no. 12 submits before this Court that no case has been made out by the present writ petitioner in order to obtain relief/reliefs, as prayed for inasmuch as the present writ petitioner is merely a name lender of the school authority and the school authority is duty bound to approach the appropriate court for ventilating its grievance.

9. It is, thus, submitted that the writ petitioner is not entitled to any relief, as prayed for.

10. Learned advocate appearing on behalf of the private respondent no. 12 further contended that where the alleged illegal

construction has been made, that has been done on the land, which has been granted to the private respondent by way of patta.

11. We have carefully perused the entire materials, as placed before us. We have given our due consideration over the submissions of the learned advocates for the contending parties.

12. On careful perusal of the entire materials, as placed before this Court, it appears to us that alleging illegal construction over the said school's land at the instance of the respondent no. 12, the teacher-in-charge of the said school i.e. the respondent no. 11 made representation to the respondent no. 4 and respondent no. 7. It further appears that the respondent no. 11 being the school authority, also initiated a case under section 144 of the Code of Criminal Procedure against the private respondent, wherein the self-same

allegation of encroachment has been made.

13. Materials have been placed before us that on receipt of complaint from the respondent no. 11, i.e. the teacher-in-charge of the said school, the jurisdictional BL & LRO has fixed a date for demarcation.

14. Such being the position, we, while disposing the instant writ petition, directs the respondent no. 7 authority, i.e. the jurisdictional BL & LRO to conduct a field verification, if not done in the meantime after giving due notice to the writ petitioner, to the respondent no. 11, i.e. the teacher-in-charge of the said school as well as to the respondent no. 12 and shall submit its demarcation report before the respondent no. 4 authority within 60 working days from the date of communication of the server copy of this order.

15. The respondent no. 4 authority, on receipt of such demarcation, shall consider a copy of the instant writ petition as a representation of the writ petitioner and after giving due opportunity of hearing to all the stakeholders including the writ petitioner and the private respondent as well as the respondent no. 11, shall pass a reasoned order and shall forthwith communicate the same to the writ petitioner, the respondent no. 11 and respondent no.12.
16. The entire exercise, as indicated hereinabove, shall have to be completed by the respondent no. 4 authority within 60 working days from the date of receipt of the demarcation report of the jurisdictional BL & LRO, i.e. the respondent no. 7 authority.
17. The time limits, as fixed by this Court are peremptory and mandatory.
18. Liberty is given to the learned advocate on record of the writ petitioner to

communicate server copy of this order together with a copy of the instant writ petition along with all its annexures to the respondent no. 4 authority for his immediate compliance.

19. Further liberty is given to the learned advocate for the writ petitioner to communicate the server copy of this order to the respondent no. 7 authority, who is directed to act on the basis of the server copy of this order.

20. Before parting with, it is however, made clear that in the event while passing the reasoned order, the respondent no. 4 authority finds sufficient substance in the representation of the writ petitioner, and/or in the allegation of the respondent no. 11 authority, he shall forthwith take consequential steps for removal of encroachment, if there be any from the school's property.

21. Before parting with, it is further made clear that while disposing the instant writ

petition, we have not gone into the factual merits of the instant writ petition and thus, all points are kept open for adjudication before the respondent no. 4 authority.

22. With the aforementioned observations/ directions, WPA 2056 of 2024 is disposed of.

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

(SUJOY PAUL, CJ.)

(PARTHA SARATHI SEN, J.)