

21.04.2026

Item no. DL 26
Court No. 25

Asraf, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No.

WPA 2762 of 2026

In the matter of :

SOMA GIRI

...Petitioner

VS.

THE STATE OF WEST BENGAL & ORS.

...Respondents

For the Petitioner :

Mr. Ritwik Pattanayak

Mr. Nirmalya Roy

....Advocates

For the Respondents / State :

Mr. Suddhadev Adak

....Advocate

1. Affidavit of service filed in Court today is taken on record.
2. The petitioner has filed the present writ application with the grievance that on the complaint of the petitioner, the Sub-Divisional Magistrate, Contai, Purba Medinipur has passed an order on 28th May, 2025 directing the private respondent to remove the encroachment from the Government property being Dag No.1087, Mouza - Ghol, JL No.258 wherein the private respondent had constructed a brick walled room with asbestos shed illegally. In the said order, the Sub-Divisional Magistrate has also directed the petitioner to

remove the illegal portion of her house from the Government property by 20th June, 2025.

3. Learned counsel for the petitioner submits that in the said order it is also directed that if both the parties fail to comply with the order, the Block Development Officer will remove all the encroachments. He further submits that in spite of the order passed by this Court, the private respondent has not removed the encroachment. The petitioner is ready to remove his encroached part, but if the petitioner will take steps for removing the same, the wall will fall on the house of the private respondent. Learned counsel for the petitioner also submits that the petitioner has made a representation to the Sub-Divisional Magistrate and again the Sub-Divisional Magistrate had directed the Block Development Officer to comply with the order dated 28th May, 2025 but till date no action has been taken. He prays for a direction upon the Block Development Officer to comply with the direction dated 28th May, 2025 passed by the Sub-Divisional Magistrate by removing the encroachment of the private respondent as well as the petitioner.
4. Considering the submissions made by the learned counsel for the parties, the writ petition is disposed of by directing the Block Development

Officer being the respondent no.5 to comply with the direction dated 28th May, 2025 passed by the Sub-Divisional Magistrate by removing the encroachment of the private respondent as well as the petitioner within a period of six weeks from the date of receipt of this order.

5. WPA 2762 of 2026 stands disposed of.
6. It is made clear that the cost of the removal of the encroachment shall be recovered from the petitioner and the private respondent according to their illegal occupation over the Government land.
7. All parties shall act on the basis of server copy of this order duly downloaded from the official website of this Court.
8. Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Krishna Rao, J.)