

23.03.2026
Item No.7
Ct. No. 1
PG

W.P.A. (P) 55 of 2026
Monojit Pal & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Romit Dutta
Ms. Sanjukta SamantaFor the Petitioners

Mr. Sk. Md. Galib, Sr. Govt. Adv.
Mr. Abu Siddique Mallik.....For the State

Mr. Samrat Choudhury
Mr. Abhijeet Bhattacharyya
.....For the respondent no. 9

DICTATED BY PARTHA SARATHI SEN, J.:

1. Parties to the instant writ petition are represented by their respective learned counsels.
2. By filing the instant writ petition, the writ petitioners have prayed for issuance of appropriate writ/writs against the respondent authorities commanding them to remove and demolish the alleged illegal and unauthorised construction and/or to remove illegal encroachments at the instance the private respondents over the lands being LR Dag Nos. 907 and 1150/1852 at JL No. 216, Block-Memari-I, Police Station-Memari, Mouja-

Alipur, District-Purba Bardhaman along with other ancillary reliefs.

3. At the time of hearing, learned advocate appearing on behalf of the writ petitioner, in virtual mode, draws our attention to page-73 of the instant writ petition being a copy of the information regarding Plot No. 907, which is recorded in the name of Bardhaman District Board. It is submitted that it is the specific case of the writ petitioners that such land being L.R. Plot No. 907 has been encroached by the private respondents along with Plot Nos. 1150/1852 in the self-same mouza i.e. Mouza- Alipur, District- Purba Bardhaman.
4. It is submitted that despite submission of representation on 22.12.2025 with the jurisdictional District Magistrate, i.e. the respondent no. 3 herein as well as with the respondent no. 5 authority being the jurisdictional SDO, no action has been taken for removal of encroachment. In this regard attention of ours is drawn to

Page Nos. 69 and 71 of the instant writ petition.

5. It is, thus, submitted on behalf of the writ petitioners that appropriate relief/reliefs may be granted to the writ petitioners in terms of the prayers made in the instant writ petition.

6. In course of his submission, Mr. Galib, learned advocate appearing on behalf of the respondent/State submits before this Court that the writ petitioners are not entitled to any relief in respect of L.R. Plot Nos. 1150/1852 in view of the fact that a coordinate Bench of this Court by its order dated 28.07.2025 in W.P.A.(P) 224 of 2025 has passed a direction upon the respondent no. 3 herein to consider the representation of the writ petitioners, wherein an allegation has been levelled regarding encroachment of L.R. Plot Nos. 1150/1852.

7. It is, thus, submitted by Mr. Galib that since appropriate order has been passed in connection with L.R. Plot Nos.

1150/1852 by a coordinate Bench of this Court, no further order may be passed in respect of the said plots.

8. However, in his usual fairness, Mr. Galib submits that appropriate authorities may be directed to consider the representation of the petitioners in respect of alleged encroachment in L.R. Plot No. 907.

9. Learned advocate appearing on behalf of the private respondent no. 9 however, disputed the correctness of the statements, as made in the instant writ petition. He prays for dismissal of the instant writ petition.

10. On careful perusal of the entire materials, as placed before this Court and after hearing the learned advocates for the contending parties, it appears to us that admittedly some materials have been placed before this Court that alleging illegal encroachment over L.R. Plot No. 907, the writ petitioners approached the respondent no. 3

authority as well as the respondent no. 5 authority.

11. It is the grievance of the writ petitioners that despite such submission of representation, no action has been taken by the respondent authorities.

12. In the facts and circumstances, as narrated in the foregoing paragraphs, we, while disposing the instant writ petition directs, the jurisdictional BL & LRO to make a demarcation report and/or field verification report in respect of L.R. Plot No. 907 after giving prior notice to the writ petitioners and the private respondent and shall submit such demarcation report and/or field verification report with the respondent no. 5 authority within 45 working days from the date of communication of server copy of this order by the learned advocate for the writ petitioners.

13. The respondent no. 5 authority, on receipt of such demarcation report and/or field verification report from the

jurisdictional BL & LRO, shall consider the representation dated 22.12.2025 in the light of the said demarcation report, as would be received from the jurisdictional BL & LRO and after giving due chance of hearing both to the writ petitioners and the private respondent and/or their authorised representative, shall pass a reasoned order and shall forthwith communicate the same to the writ petitioners and the private respondent.

14. The entire exercise, as indicated hereinabove, shall have to be completed by the respondent no. 5 authority within 45 working days from the date of receipt of the demarcation report from the jurisdictional BL & LRO.

15. The time limits, as fixed by this Court are peremptory and mandatory.

16. Liberty is given to the learned advocate on record for the writ petitioners to communicate the server copy of this order to the respondent no. 5

authority as well as to the respondent no. 4 authority.

17. Respondent no. 4 authority is hereby directed to communicate the server copy of this order to the jurisdictional BL&LRO forthwith for his compliance.

18. It is further ordered that in the event while passing the reasoned order, the respondent no. 5 authority finds sufficient merit in the representation of the writ petitioners, he is directed to take all consequential action soon after passing of the reasoned order.

19. Before parting with, it is made clear that while disposing the instant writ petition, we have not gone into the merits of the representation of the writ petitioners as well as with regard to the averments made in the instant writ petition and thus, all points are kept open for adjudication by the respondent no. 5 authority.

20. Before parting with, we further grant liberty to the writ petitioners to ventilate

their grievance with regard to L.R. Plot Nos. 1150/1852 before the appropriate forum since a coordinate Bench of this Court has already passed an order dated 28.07.2025 in W.P.A. (P) 224 of 2025, if not done in the meantime.

21. With the aforementioned observations /directions, the instant writ petition being W.P.A.(P) 55 of 2026 is disposed of.

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

(SUJOY PAUL, C.J.)

(PARTHA SARATHI SEN, J.)