

11.03.2026
Item No.34
Ct. No.01
RP

WPA(P) 66 of 2026

**Manimohan Samanta & Ors.
Vs.
State of West Bengal & Ors.**

Mr. Anjan Banerjee
Ms. Anupriya Banerjee
Mr. Kuntal Sasmal
...For Petitioners

Mr. Swapan Kumar Datta, Ld. GP
Mr. Nilotpal Chatterjee
Mr. Bikramjit Mandal
...For State

PER, PARTHA SARATHI SEN, J.:

1. Parties are represented through their respective learned counsels.
2. By filing the instant writ petition the writ petitioners have prayed for issuance of appropriate writ or writs against the respondent authorities commanding them to take appropriate steps for demolition of illegal construction and/or encroachment upon the government land, being plot nos.209 and 206 in Mouza-Abhirampur, P.S. Rajapur, District-Howrah.
3. At the time of hearing the learned advocate appearing on behalf of the writ petitioners at

the very outset draws attention of this Court to page nos.13 and 14 of the instant writ petition, being a print out of the live data in respect of plot no.209 and one mouza map of the aforesaid mouza. It is submitted that from the said live data and mouza map it would reveal that the plot no.209 is a water body and plot no.206 is a pathway belonging to the PWD Department of the Government of West Bengal.

4. It is further submitted that from page no.24 of the instant writ petition it would reveal that noticing encroachment over such government land and/or water body at the instance of the private respondents the writ petitioners made a representation before the respondent authorities soon thereafter requesting them to remove said illegal encroachment and the said representation was sent to all the authorities under speed post on 7.2.2026. It is submitted that the main grievance of the writ petitioners is that despite receipt of such representation as sent on 7.2.2026 the respondent

authorities have not taken any step and practically remained mum.

5. It is, thus, submitted that appropriate relief and/or reliefs may be granted to the writ petitioners in terms of the prayer made in the instant writ petition.
6. Mr. Chatterjee, learned counsel appearing on behalf of the respondent/State and its instrumentalities in his usual fairness submits that the respondent no.7 authority may be directed to carry out demarcation and/or field verification over the aforementioned plots of land and the respondent no.6 as well as the respondent no.4 authority may be directed to consider the representation of the writ petitioners independently in accordance with law.
7. In view of such, this Court while disposing of the instant writ petition directs the respondent no.7 authority to carry out demarcation and/or field verification in the aforementioned plots of land after giving prior notice to the writ petitioners as well as the private

respondents and shall submit a demarcation report and/or field verification report separately before the respondent no.4 as well as the respondent no.6 authority.

8. The respondent no.6 authority on receipt of such demarcation report shall consider the representation of the writ petitioners in the light of the said demarcation report in order to come to a logical conclusion as to whether any encroachment is made by the private respondent and/or any other stakeholders over the PWD road and after giving due chance of hearing to the writ petitioners as well as the private respondent and/or their authorized representatives shall pass a reasoned order and shall forthwith communicate the same to the writ petitioners and the private respondents.
9. It is further ordered that in the event while passing the reasoned order the respondent no.6 authority finds sufficient merit in the representation of the writ petitioner he shall

forthwith take consequential action as prescribed under law.

10. Similar such direction is passed upon the respondent no.4 to consider the representation of the writ petitioners independently after giving due chance of hearing both to the writ petitioners and the private respondents in order to come to a logical finding as to whether any water body has been encroached by the private respondent and/or other stakeholders. In the event while passing the reasoned order he finds that allegations as made in the writ petition is correct, he shall forthwith take consequential action for removing of such encroachment from the water body.
11. Liberty is given to the writ petitioners to communicate a copy of this order to the respondent nos.4,6 and 7 for their due compliance.
12. The respondent nos.4,6 and 7 are directed to act on the server copy of this order.

13. The respondent no.7 authority is directed to comply this order positively within thirty working days from the date of communication of the server copy of this order.
14. The respondent nos.4 and 6 are further directed to comply this order within ninety working days from the date of receipt of the demarcation report from the respondent no.7.
15. The time limits as fixed by this Court are peremptory and mandatory.
16. Urgent Photostat certified copy of this order, if applied for, be delivered to the learned advocates for the parties, upon compliance of all formalities.

[SUJOY PAUL, CJ.]

[PARTHA SARATHI SEN, J.]