

SL. 12
01.04.2026
Court No.19
BP

WPA 4265 of 2026

Swapan Kumar Biswas @ Swapan Biswas
-versus-
The State of West Bengal & Ors.

Mr. Timir Baran Saha
..for the petitioner

Mr. Jyotiprakash Chatterjee
Ms. Ananya Neogi
..for the State

Mr. Atis Kumar Biswas
Ms. Jyoti Agarwal
..for the respondent no.6

Affidavit of service filed in Court today is taken on record.

The petitioner claims to be the owner of land being Plot No. 110 within Mouza Houlia in the District of Nadia. The petitioner states that the private respondent has raised a construction by encroaching upon the Government land in front of the property of the petitioner thereby causing obstruction to the ingress and egress of the petitioner from his property to the main road.

The learned advocate appearing for the private respondent submits that the shop of the private respondent is situated on the raiyati property and the petitioner is trying to evict the private respondent from the raiyati property. He submits that the petitioner has also

constructed a shop room by encroaching upon a portion of the Government land.

The report of the Inspector-in-Charge, Tehatta Police Station dated 22nd February, 2026 filed by the learned advocate for the State is taken on record.

The petitioner submitted several representations before the Sub-Divisional Officer, Tehatta Sub-Division, praying for removal of unauthorised encroachment from the Government land. Since no steps have been taken for removal of such encroachment, the petitioner, through his learned advocate's letter dated 21st January, 2026, requested the Sub-Divisional Officer, Tehatta Sub-Division to remove the unauthorised encroachment from the Government land.

Since an allegation of encroachment upon the Government land has been made, this Court feels that the concerned authority should be directed to consider such complaint and take steps in accordance with law.

In the light of the submissions made by the learned advocates for the petitioner and without entering into the merits of the allegations and counter-allegations made by the respective parties, WPA 4265 of 2026 stands disposed of by directing the Sub-Divisional Officer, Tehatta Sub-Division, Tehatta, Nadia being the 3rd respondent to consider the representation of the petitioner through his learned advocate's letter dated 21st January, 2026 and after causing necessary enquiries and demarcation

through competent Amins/surveyors upon prior service of notice to the petitioner, the private respondent and any other person who may be affected by such demarcation and if upon such demarcation any encroachment upon the Government land is found, necessary proceeding in accordance with the relevant statute shall be initiated and the entire exercise shall be completed as expeditiously as possible but positively within a period of twelve weeks from the receipt of a server copy of this order along with a copy of the representation dated 21st January, 2026. It is however made clear that in case it is found that the petitioner has encroached upon the Government land necessary steps for removal of encroachment, if any, made by the petitioner shall also be taken by the said respondent.

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.)