

April 9, 2026
Sl. No.32
Court No.1
s.biswas

WPA(P) 148 of 2026

Sankar Narayan Pal and others
vs.
The State of West Bengal and others

Mr. Omar Faruk Gazi
Ms. Bidisha Das
Ms. Shaoni Panda
Mr. Md. Muslehuddin
... for the petitioners
Mr. Jahar Lal De
Mr. Kaustav Bhattacharya
... for the State
Mr. Gouranga Das
Mr. Sujit Bhunia
... for the respondent no.11

Dictated by Partha Sarathi Sen, J.

1. The parties to the instant writ petition are represented by their respective learned counsel.
2. The affidavit of service as filed on behalf of the petitioners is taken on record.
3. By filing the instant writ petition, the writ petitioners have prayed for issuance of appropriate writ/writs against the respondent authorities, more specifically against the respondent no.3 authority commanding him to take appropriate steps

for demolition and removal of the illegal and unauthorized construction raised by the private respondent over the vested Government land at Mouza-Durgagobindapur, J.L. No.45, L.R. Dag Nos.1659 and 1660, under Khatian No.1 within the jurisdiction of Gopalnagar Gram Panchayat under Patharpratima Block, Sub-Division-Kakdwip, District-South 24 Parganas.

4. At the time of hearing learned counsel appearing on behalf of the writ petitioners at the very outset draws our attention to page no.31 being a copy of the memo dated 24.02.2026 as issued by the jurisdictional BL&LRO, wherefrom it reveals that the two plots being Plot Nos. 1659 and 1660 are vested land and those plots of land are recorded in Khatian No.1.
5. It is further submitted that from page no.33 of the instant writ petition being a copy of the memo dated 20.02.2026 as issued by the SPIO & Secretary, South 24 Parganas Zilla Parishad, it would reveal

that an information has been provided to the effect that over the said two plots of land no sanction plan/NOC has been approved and/or given by the authority for raising any construction.

6. It is submitted that it is the specific case of the writ petitioner that the private respondents have raised illegal construction over the said two plots of land which are vested land.

7. It is further contended that despite submission of representations dated 09.03.2026 and 14.03.2026 to the respondent authorities, nothing has been done. As a result whereof an obstruction has been taken place in the public drainage and on account of such, the local inhabitants are suffering a lot. It is thus submitted that an appropriate writ/writs to be granted to the writ petitioners in terms of prayers of the instant writ petition.

8. Learned counsel appearing for the private respondent however opposed the

contention as raised by the learned counsel for the writ petitioners.

9. It is further submitted that sufficient materials are there in the custody of the private respondent that he has lawful authority to raise construction and before the appropriate authority the application for grant of *patta* is pending.

10. Mr. De, learned counsel appearing on behalf of the respondent State in his usual fairness submits before this court that the respondent no.3 authority may be directed to consider the representation of the writ petitioners in accordance with law.

11. On careful consideration of the entire materials as placed before us and after hearing the learned counsel for the contending parties, we are satisfied that *prima facie* materials have been placed before us to substantiate that the relevant two plots of land are vested land.

12. Some *prima facie* materials are also placed to show that over such two plots of land, no sanction has been granted by the

competent authority to raise any construction.

13. In view of such, while disposing of the instant writ petition, we direct the respondent no.3 authority to consider the representation dated 14.03.2026 (Annexure P-7) in accordance with law and after giving due opportunity of hearing to the writ petitioners, the private respondent and/or any other stake holders and/or their authorized representatives shall pass a reasoned order and shall forthwith communicate the same to all the parties before him.

14. The entire exercise as indicated hereinabove is to be completed by the respondent no.3 authority within 180 working days from the date of communication of the server copy of this order.

15. Liberty is given to the learned advocate-on-record for the petitioners to communicate the server copy of this order along with a copy of the representation

dated 14.03.2026 to the respondent no.3 authority for his compliance.

16.The respondent no.3 authority is directed to act on the basis of the server copy of this order.

17.The time line as fixed by this court is peremptory and mandatory.

18.Before parting with, it is made clear that in the event while disposing of the representation dated 14.03.2026 the respondent no.3 finds sufficient merits in the said representation, he is directed to take all consequential action soon thereafter.

19.With the aforementioned observation, WPA(P) 148 of 2026 is disposed of.

20.It is however made clear that while disposing of the instant writ petition we have not gone into the merits of the aforementioned representation dated 14.03.2026 and thus all points are kept open for adjudication of the respondent no.3 authority.

21. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Sujoy Paul, C.J.)

(Partha Sarathi Sen, J.)