

Court No. 19
(265719)

30.03.2026
(AD 26)
(S. Banerjee)

WPA 7287 of 2026

Kalipada Bisai & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Salil Kumar Maiti
Mr. Dyutiman Banerjee
Ms. Dolan Samanta

...for the petitioners

Mr. Lalit Mohan Mahata, Ld. AGP
Mr. Rudranil De

...for the State

Mr. Dinesh Pani

...for the private-respondents

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

Petitioners have challenged the order of the
District Land and Land Reforms Officer, Purba
Medinipur ('DL&LRO', for short) dated September 6,
2024 in this writ petition and have prayed for setting
aside the order with a direction to rehear the matter
and decide the issues afresh.

Petitioners claim to be the recorded owner of LR
Dag No. 921 within Mouza – Kalikakhali, JL No. 91.
Petitioners allege that an order was obtained by the
private-respondents herein in a public interest
litigation being WPA(P) 197 of 2024 on June 28, 2024
behind the back of the petitioners.

Mr. Banerjee, learned advocate appearing for the petitioners submits that the DL&LRO directed the Block Land and Land Reforms Officer, Nandigram – III ('BL&LRO', for short) to rectify the record of rights without giving any opportunity to the petitioners to present their case before the authorities.

Learned advocate appearing for the private-respondents submits that 12 decimals of land out of 30 decimals in CS/RS/LR Plot No. 921 was acquired vide LA Case No. 4 of 1951-52 and subsequently an area of about 6 decimals has been further acquired by a subsequent proceeding. He further claims that since the acquired portions of the said plot have been encroached upon various encroachers, the private-respondents herein approached the Hon'ble Division Bench by filing a public interest litigation and the Hon'ble Division Bench directed the DL&LRO to consider the representation of the petitioners and to pass a reasoned order. He submits that the DL&LRO passed the order impugned in terms of the direction passed by the Hon'ble Division Bench.

Mr. Mahata, learned AGP, submits that in order to ascertain the position of the land which has been acquired by the government, the DL&LRO directed the BL&LRO to conduct a field enquiry and to demarcate the actual area which has been acquired

by the government. He submits that no prejudice can be said to have been caused to the petitioners by the order impugned.

After going through the order of the DL&LRO dated September 6, 2024 it appears that portion(s) of CS/LR Plot No. 921 of Kalikakhali Mouza has been acquired.

Learned advocate appearing for the private-respondents submits that the balance portion after acquisition is only about 5 decimals but there is an erroneous recording in the record of rights insofar as the recording of the names of the raiyatis are concerned.

Be that as it may, portion(s) of plot no. 921 has been acquired and in order to decide as to whether the portion of the land vested with the government have been encroached upon or not, a demarcation exercise has to be carried out.

The DL&LRO directed the BL&LRO to conduct a field enquiry upon issuance of a notice to all concerned parties and to demarcate the actual area which has been acquired by the government as well as identity the land of the PWD along with the land possessed by the raiyatis. The BL&LRO was also

instructed to rectify the records, if found any discrepancy.

Mr. Banerjee would contend that a direction for correction of the record of rights could not have been passed without affording an opportunity of hearing to the petitioners.

This Court is not inclined to accept such submission of Mr. Banerjee as the DL&LRO by the order impugned did not direct correction of the record of rights but instructed the BL&LRO to rectify if any discrepancy is found.

Needless to mention that an authority while correcting the record of rights will follow the procedure under the relevant statute.

The impugned order also directed action to be initiated by the PWD if any encroachment upon the government acquired land is found.

At this stage Mr. Mahata submits that today (i.e., 30.03.2026) has been fixed for field enquiry and enquiry of the disputed plot.

The authorities of the Public Works Department is under an obligation to initiate an appropriate proceeding if any encroachment has been found upon

the property vested upon the Public Works Department. The DL&LRO only directed the PWD to initiate action as per the law upon any encroachment being found.

This Court does not find any infirmity by the order impugned warranting interference under Article 226 of the Constitution of India.

Accordingly, this writ petition stands disposed of with the aforesaid observations.

(Hiranmay Bhattacharyya, J.)