

Sl. 9
27.04.2026
Court No.19
BP

WPA 8142 of 2026

Sri Sudipta Shasmal
-versus-
The State of West Bengal & Ors.

Mr. Sushovon Dey
Mr. Subhrajyoti Dey
Mr. Vaskar Saha
..for the petitioners

Mr. Pannalal Bandopadhyay
Mr. Debasish Kar
..for the State

Mr. Tanweer J. Mandal
..for the private respondent no.9

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

The petitioner claims to be the owner of a plot of land being L.R. Plot No. 83 within Mouza Shyamsundarpur in the District of Paschim Medinipur. The petitioner states that L.R. Plot No. 86 which is lying in front of the aforesaid property of the petitioner stood vested with the Irrigation and Waterways Department of the State of West Bengal. The petitioner alleges that the private respondent herein has constructed a brick built structure over the vested land being L.R. Plot No. 86 and is in illegal occupation of the said vested plot. The petitioner approached this Court by filing a writ petition being WPA 17587 of 2025 and a Coordinate Bench by an order dated

18th August, 2025 directed the concerned Block Land and Land Reforms Officer to consider the representation of the petitioner in accordance with law and to dispose of the same within the time limit specified in the said order.

The learned advocate appearing for the petitioner submits that in spite of such direction passed by the Coordinate Bench the respondent authorities have not taken any steps to remove the illegal construction from the Government land.

The petitioner submitted a representation before the Sub-Divisional Officer, Kharagpur Sub-Division dated 27th February, 2025.

The learned advocate appearing for the petitioner submits that in spite of receipt of such representation no steps have been taken by the concerned Sub-Divisional Officer to remove the unauthorised encroachment from the public land.

The learned advocate appearing for the private respondent submits that the order dated 18th August, 2025 was passed by the Coordinate Bench in WPA 17587 of 2025 behind the back of the private respondent. He further submits that the Coordinate Bench directed the Block Development Officer to dispose of the representation but the issue regarding alleged encroachment from the public land does not fall within the jurisdiction of the Block Development Officer and it is only the Collector who has been vested with the jurisdiction to remove the

unauthorised encroachment from the public land. He further submits that the petitioner has made a construction on Plot No. 83, the classification of which is “Jal” meaning agricultural land. He submits that construction on agricultural land is a punishable offence under the provisions of the West Bengal Land Reforms Act, 1955.

The learned advocate appearing for the State submits that a notice under Section 57 of the West Bengal Land Reforms Act was issued by the concerned Block Land and Land Reforms Officer for the purpose of an enquiry.

When an allegation of unauthorised encroachment upon the public land has been made, it is the duty of the respondent authority to enquire into such allegation and to take steps if any encroachment upon the public land is found.

In the light of the submissions made by the learned advocates for the respective parties and without entering into the merits of the claim made by the petitioner in the representation dated 27th February, 2025, WPA 8142 of 2026 stands disposed of by directing the Sub-Divisional Officer, Kharagpur Sub-Division, Paschim Medinipur being the 4th respondent to consider the representation of the petitioner dated 27th February, 2025 and after causing necessary enquiries and demarcation through competent Amins/surveyors with the assistance of the Block Land and Land Reforms Officer, Debra being the 6th respondent

and upon such demarcation if it is found that there has been any encroachment upon the public land, necessary proceeding in accordance with law 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 27th February, 2025. The private respondent is left free to work out his remedies in accordance with law if, according to the private respondent, the petitioner has violated any provisions of a relevant statute.

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.)