

Sl. 9
16.04.2026
Court No.19
BP

WPA 8269 of 2026

Malina Manna & Ors.
-versus-
The State of West Bengal & Ors.

Mr. Tanoy Chakraborty
Mr. Chhandak Dutta
..for the petitioners

Mr. Ayan Banerjee
Ms. Sharmila Deb
..for the State

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

The learned advocate appearing for the petitioners submits that the private respondent has been duly served.

In spite of service none appears for the private respondent.

The petitioners claim to be the owner of a plot of land being L.R. Plot No. 8 within Mouza Radhmohanpuri under Police Station Debra in the District of Paschim Medinipur. The petitioners allege that the private respondent has raised an illegal construction on the vacant land by the side of the Radhamohanpur-Asari road. The petitioners claim to have submitted a representation before various authorities including the Sub-Divisional Officer, Kharagpur Sub-Division, Paschim Medinipur being the 5th respondent dated 25th February, 2026.

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

The State is represented by Mr. Banerjee. He submits that the petitioners have alleged encroachment upon a vacant space by the side of the PWD road. Thus, if any encroachment on Government land/PWD road is found, necessary proceeding in accordance with the relevant statute shall have to be initiated.

Since an allegation of unauthorised encroachment upon the Government land has been made, it is the duty of the respondent authorities to enquire into such allegation and to take steps in accordance with law if an encroachment 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 petitioners in the representation dated 25th February, 2026 WPA 8269 of 2026 stands disposed of by the directing the Sub-Divisional Officer, Kharagpur Sub-Division, Paschim Medinipur being the 5th respondent to consider the representation of the petitioners dated 25th February, 2026 and after causing necessary enquiries and demarcation by engaging competent Amins/surveyors upon prior service of notice to the petitioners, the private respondent and any

other person who may be affected by such demarcation and if upon such demarcation it is found that a Government land has been encroached upon necessary proceeding in accordance with the relevant provision of the statute shall be initiated by the concerned Sub-Divisional Officer and the entire exercise shall be completed as expeditiously as possible but positively within a period of ten weeks from the receipt of a server copy of this order along with a copy of the representation dated 25th February, 2026. If upon such demarcation it is found that the issue relating to removal of encroachment in question does not fall within the jurisdiction of the Sub-Divisional Officer, Kharagpur Sub-Division, the said respondent authority shall immediately forward the necessary papers along with the demarcation report to the appropriate authority who has been vested with the power and jurisdiction to decide the issue of encroachment. The authority to whom the matter shall be referred to by the Sub-Divisional Officer shall also comply with the directions as mentioned hereinbefore within the aforesaid time limit.

Needless to mention that if the concerned authority arrives at a conclusion that there has been no encroachment upon the Government land/PWD road, such decision shall also be communicated to the petitioners and others within the aforesaid time frame.

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.)