

Court No. 19
(265719)

28.04.2026
(AD 15)
(S. Banerjee)

WPA 9420 of 2026

Nitai Chandra Lala
Vs.
The State of West Bengal & Ors.

Mr. Bhagbat Chaudhuri

...for the petitioner

Mr. Swapan Banerjee
Mr. D. N. Banerjee

...for the State

Md. Nauroz Rahber
Md. Kaif
Ms. Jenifar Jinnu

...for the respondent no. 7

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

Petitioner claims to be the owner of a plot of
land being LR Dag No. 104 within Mouza – Dhusmal,
JL No. 25 under Raiganj Police Station in the district
of Uttar Dinajpur. The petitioner alleges that a
Nayanjuli being LR Plot No. 140 is lying adjacent to
the aforesaid property of the petitioner. Petitioner
alleges that the private-respondents have encroached
upon a portion of the Nayanjuli thereby obstructing
the ingress and egress of the petitioner from his
property to the PWD road.

Mr. Chaudhuri, learned advocate appearing for
the petitioner draws the attention of the Court to a

report of the Assistant Engineer, Uttar Dinajpur, Highway Division, Public Works (Roads) Directorate dated April 11, 2025 and the report of the Block Land and Land Reforms Officer, in support of his contention that there is unauthorized construction on plot no. 140. Mr. Chaudhuri submits that the petitioner has submitted a representation dated March 11, 2026 requesting the concerned Sub-Division Officer to remove the unauthorized construction from the roadside land and Nayanjuli situated in front of the property of the petitioner.

Learned advocate appearing for the private-respondents denies the allegation of the petitioner. He submits that the private-respondents have made construction on their raiyati property being plot no. 526 and has not encroached upon any portion of the public land or Nayanjuli. He further submits that the private-respondents have challenged the report of the Block Land and Land Reforms Officer in a proceeding being CR No. 9 of 2024 before the learned District Judge, Uttar Dinajpur. He submits that such proceeding is still pending.

Mr. Banerjee, learned advocate appearing for the State submits that necessary steps in accordance with law shall be taken if any encroachment upon

public land or PWD road is found after considering relevant materials.

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

In the light of the submission made by the learned advocates appearing for the respective parties this writ petition stands disposed of by directing the Sub-Divisional Officer, Raiganj Sub-Division, Uttar Dinajpur, being the respondent no. 3 herein, to consider the representation of the petitioner dated March 11, 2026 and after causing necessary enquiries and demarcation by engaging an competent Amin/Surveyor upon prior service of notice to the petitioner, the private-respondents and any other person who may be affected by such demarcation, and upon such demarcation if any encroachment upon the public land is found, appropriate proceeding under the relevant provisions of the statute shall be initiated and the entire exercise shall be completed as expeditiously as possible but positively within a period of 12 weeks from the receipt of a server copy of this order along with a copy of the representation dated March 11, 2026.

Needless to mention that if such authority arrives at a conclusion that there has been no encroachment upon the public land, such decision shall also be communicated to the petitioner and others within the time limit mentioned hereinbefore.

Since no affidavit has been called for, the allegations contained in the writ petition shall not be deemed to have been admitted.

(Hiranmay Bhattacharyya, J.)