

Item- 13. 19-03-2026

WPA 9278 of 2025

sg Ct. 19 Mahasin Sk.
Versus
The State of West Bengal & Ors.

Mr. Mrinal Kanti Ghosh
Mr. Chandra Nath Sarkar
...for the petitioner
Mr. Lalit Mohan Mahata, AGP
Mr. Prasanta Behari Mahata
...for the State

The petitioner claims to be the recorded owner of LR plot No. 278, within Mouza Babultoli, under Police Station Raninagar, in the District of Murshidabad.

The petitioner states that in the front portion of the said property of the petitioner, there is a government plot being LR Plot No. 231, which is being used as government road. The petitioner alleges that the private respondent has made illegal and unauthorized construction by encroaching upon the government road being LR plot no. 231. The petitioner submitted a representation before the Assistant Engineer, Public Works Department (Roads), Islampur Sub-Division, praying for removal of an illegal construction made on the government land.

Mr. Mahata, learned Additional Government Pleader produces copies of the pattas as per the direction passed on 18th February, 2026, which are taken on record.

Copies of such pattas have been supplied to Mr. Dhar, learned Senior Advocate for the petitioner.

Mr. Mahata, learned Additional Government Pleader submits that the LR plot No 231 is not a government road as the same is not under the control and administration of the Public Works Department. He further submits that the LR plot no. 231 is a vested land and the pattas have been issued

in favour of various patta holders in respect of different portions of the said plot. He submits that the patta holders are residing on the portion of the said land by virtue of the said patta.

Mr. Ghosh, learned Advocate appearing for the petitioner places reliance upon the definition of “Government Road” as defined under Section 2(bb) of the West Bengal Highways Act, 1964 and submits that a road vested by the State also falls within the definition of a ‘government road’.

From the sketch map appended to the report from the Block Land & Land Reforms Officer dated 19th November, 2025, it appears that the northern side of the plot claimed to be owned by the petitioner being LR Dag no. 278, LR plot no. 231, which, according to the State, is situated.

Mr. Ghosh, submits that in view of the construction made by the other persons, the right of ingress and egress of the petitioner from his property to the road is being obstructed.

Mr. Ghosh would submit that from the copies of pattas handed over to him, it does not appear that the pattas have been granted in faovur of private respondent.

Mr. Mahata, however, submits that some of the pattas have been collected and he submits on instruction that the pattas have also been granted in favour of private respondent.

Be that as it may, the respondent authorities are to ensure that the petitioner is not put in a land lock situation. The respondent authorities must ensure that the ingress and egress of the petitioner from his property to the main road is not obstructed and the said vested plot is not obstructed by way of any obstruction.

At this stage, Mr. Mahata would submit that the petitioner has not submitted any representation to that effect.

Faced with situation, Mr. Ghosh, learned Advocate for the petitioner prays for liberty to file a comprehensive representation before the concerned authority in that regard.

The issue that arises for consideration is how the petitioner's right to ingress and egress of the property to the road can be ensured by the respondent authorities. Such a factual dispute cannot be decided, at this stage, in this writ petition. In view thereof, WPA 9278 of 2025 stands disposed of by giving liberty to the petitioner to submit a comprehensive representation before the concerned Sub-Divisional Officer ventilating his grievance and the inconvenience of the petitioner is facing for the purpose of his ingress and egress from his property to the main road.

If such a representation is submitted, the concerned authority shall consider and dispose of the same by passing a reasoned order after affording an opportunity of hearing to the petitioner and any other person who may be affected by such decision. The reasoned order shall be communicated to the petitioner and others as expeditiously as possible but positively within a period of 10 weeks from the receipt of a server copy of this order along with a copy of the representation permitted to be submitted pursuant to this order.

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

(Hiranmay Bhattacharyya, J.)

