

WPA/13634/2026

**TAPAS KUMAR MONDAL
VS.
STATE OF WEST BENGAL AND ORS.**

Mr. Muhammad Obaid, Adv.

....For the Petitioner

Mr. Nilanjan Bhattacharya, Sr. Standing Counsel

Ms. Jayita Dhar Chakraborty, Adv.

...For the Respondent-State

Mr. Tapan Dutta Gupta, Adv.

Ms. Rituparna Ghosh, Adv.

Ms. Sagnika Bhattacharya, Adv.

...For the Respondent Nos.9&10

1. Affidavit-of-service as filed today on behalf of the writ petitioner, is taken on record.
2. The contending parties to the instant writ petition are represented by their respective learned counsel.
3. At the time of hearing, learned advocate appearing on behalf of the writ petitioner, seeks liberty to add the Assistant Engineer, Diamond Harbour Highway Division, Public Works (Roads) Directorate, Diamond Harbour, District-South 24 Parganas as party Respondent No.6A.
4. Liberty as prayed for is granted.
5. Learned advocate for the writ petitioner is requested to make necessary insertion in the cause title of the instant writ petition for adding the Assistant

Engineer, Diamond Harbour Highway Division, Public Works (Roads) Directorate, Diamond Harbour, District-South 24 Parganas, as Respondent No.6A, in Court today.

- 6.** By filing the instant writ petition, the writ petitioner has prayed for issuance of appropriate Writ/Writs against the respondent authorities, more specifically against the Respondent No.6A authority for taking appropriate steps for removal of the alleged illegal encroachment as made by the private respondents over the government land. It is submitted that from the materials as placed before this Court it would reveal that the writ petitioner is the owner of 0.72 decimal of land in L.R. Plot No.1104 of Mouza-Kalikapur, Barast, within Jaynagar P.S.
- 7.** It is further submitted that from Page No.23, 24 and 36 of the instant writ petition it would reveal that a substantial portion of C.S. Plot No.1104 of the selfsame mouza was affected in connection with L.A. Case, particulars of which have been mentioned in those pages.
- 8.** It is submitted that it is the specific case of the writ petitioner that the private respondents are making illegal construction over the selfsame plot of land which has been acquired by the State as well and there is every apprehension that said illegal

construction at the behest of the private respondents would obstruct free egress and ingress to his own land, particulars of which have been mentioned in the instant writ petition. It is, thus, submitted that appropriate relief/reliefs may be granted to the writ petitioner in terms of prayers made in the instant writ petition.

9. In course of his submission, Mr. Bhattacharya, learned senior standing counsel, duly assisted by Ms. Chakraborty in his usual fairness submits that in the event, Respondent No.6A is directed to consider the representation dated 31.03.2026 of the writ petitioner in accordance with law, they have got no objection.

10. Learned advocate appearing on behalf of the private respondents though opposed the prayer but fairly submitted that the Respondent No.6A authority may be directed to consider the representation dated 31.3.2026 in accordance with law.

11. In view of such, this Court while disposing the instant writ petition directs the Respondent No.7 authority to make a field verification on the disputed plot after giving prior notice to the writ petitioner and the private respondents and submit a demarcation report before Respondent No.6A within 30 working days from the date of communication of the server copy of this order.

- 12.** Respondent No.6A on receipt of the demarcation report from Respondent No.7 shall give due notice to the writ petitioner and the private respondents and after giving due chance of hearing to both the parties shall pass a reasoned order upon the representation dated 31.3.2026 in accordance with law and shall forthwith communicate the same to both the parties to the said hearing.
- 13.** The entire exercise, as indicated in the foregoing paragraph, is to be completed by the Respondent No.6A within 45 working days from the date of receipt of the demarcation report from the Respondent No.7 authority.
- 14.** The time limit, as fixed by this Court, is peremptory and mandatory.
- 15.** Before parting, it is made clear that while disposing of this petition this Court has not gone into the merit of the representation dated 31.3.2026 and thus, all points are kept open for adjudication by the Respondent No.6A authority.
- 16.** It is further ordered that in the event while passing the reasoned order, the Respondent No.6A authority finds sufficient substance in the representation of the writ petitioner, he is directed to take all consequential action soon thereafter.
- 17.** Liberty is given to the learned advocate-on-record to communicate the server copy of this order to the

Respondent Nos.6A and 7 to act on the basis of the server copy of this order.

18. With the aforementioned observations and directions, WPA 13634 of 2026 is **disposed of**.
19. Urgent Photostat certified copy of this order, if applied for, be given to the parties, on priority basis, upon compliance of all necessary formalities.

(PARTHA SARATHI SEN, J.)