

Ct.No.19 D/L 02.07.2026
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Saikat
Mukherjee

WPA/15044/2026
PRABHAS PURKAIT
VS.
STATE OF WEST BENGAL AND ORS.

Mr. Nilanjan Pal, Adv.
Mr. Prantar Pal, Adv.

....For the Petitioner

Mr. Nilanjan Bhattacharjee, Sr. Standing Counsel
Ms. Jayita Dhar Chakraborty, Adv.
Mr. Akash Adah, Adv.

...For the Respondent-State

1. Affidavit-of-service as filed by writ petitioner today is taken on record.
2. The contending parties are represented by their respective learned counsel.
3. 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.3 authority, commanding him not to take any coercive action in terms of the order dated 18.6.2026, a copy of which has been annexed at Page Nos.19 and 20 of the instant writ petition.
4. At the time of hearing, it is submitted by Mr. Pal, learned advocate appearing on behalf of the writ petitioner that it is the specific case of the petitioner that the present petitioner and his wife are the

patta holders in respect of 47 decimals of land in L.R. Plot No.4681 in Mouza-Moukhali Kumarkhali under P.S.-Canning, District-South 24-Parganas. In order to substantiate his contention Mr. Pal has shown the copy of the patta and copy of the L.R. record as has been annexed at Page Nos.13 and 16 of the instant writ petition. Drawing attention to the copy of order impugned dated 18.6.2026, as passed by the Respondent No.3 authority in a proceeding under section 4 of the West Bengal Public Land (Eviction of Unauthorised Occupants) Act, 1962 ('Act of 1962' in short), it is submitted by Mr. Pal that the Respondent No.3 authority is making an attempt to remove the writ petitioner and his wife from their patta land, that is, 47 decimals of land in L.R. Plot No.4681 in Mouza-Moukhali Kumarkhali under P.S.-Canning, District-South 24-Parganas, which is de hors to the law. It is, thus, submitted by Mr. Pal that appropriate relief/reliefs may be granted to the petitioner in terms of the prayers of the instant writ petition.

5. Per contra, Mr. Bhattacharjee, learned senior standing counsel appearing for the Respondent-State also draws attention to this Court to the impugned order dated 18.6.2026 as passed by the Respondent No.3 authority. It is submitted by him that by no stretch of imagination it appears that the

Respondent No.3 is making an attempt to evict the writ petitioner and his wife from their patta land and the impugned order clearly specifies regarding removal of writ petitioner from L.R. Plot No.514/1088 in Mouza-Tambuldaha, J.L. No.59, where he is found to be in unauthorised encroachment.

- 6.** On careful perusal of the entire materials as placed before this Court and after hearing the contending parties this Court finds sufficient justification in the submission of Mr. Bhattacharjee inasmuch as Respondent No.3 authority in a proceeding under section 4 of the Act of 1962 passed an order for removal of the encroachment of the writ petitioner from L.R. Plot No.514/1088 in Mouza-Tambuldaha, J.L. No.59 and not from the land of the writ petitioner and his wife as has been granted to them by way of patta, particulars of which have been mentioned at Para-3 in the instant writ petition.
- 7.** In view of such, this Court finds no reason to interfere with the order impugned dated 18.6.2026 as passed by the Respondent No.3 authority.
- 8.** However, it is made clear that none of the respondents shall interfere with the possession of the writ petitioner in respect of their patta land being L.R. Plot No.4681 in Mouza-Moukhali Kumarkhali under P.S.-Canning, District-South 24-

Parganas, except in accordance with law or in terms of the order impugned herein.

- 9.** With the aforementioned observation, WPA 15044 of 2026 is **disposed of**.
- 10.** 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.)