

18.05.2026
M/L No.112
Court No.12
(gc)

**MAT 1000 of 2025
CAN 1 of 2025
CAN 2 of 2025**

**Rupali Mondal
Vs.
The State of West Bengal & Ors.**

Mr. Mukteswar Maity,
Ms. Manika Sarkar

...for the Appellant.

Mr. Tushar Kanti Mukherjee

...for the Private Respondent.

Re: CAN 1 of 2025

1. This is an application for condonation of delay. There is a delay of 64 days in preferring the appeal.
2. Considering the averments made in paragraphs 3, 4 and 5 of the said application, we are satisfied that the delay has been sufficiently explained.
3. The delay of 64 days is condoned.
4. Accordingly, CAN 1 of 2025 is allowed and disposed of.
5. The appeal is regularized.

**Re: MAT 1000 of 2025
CAN 2 of 2025**

6. We are not inclined to interfere with the order impugned before us. The order was passed on April 2, 2025 in WPA 1102 of 2024. The appellant alleged construction over PWD land.

Both the State respondents and the learned Advocate appearing for the private parties submitted that the extent and details of the alleged construction was not available on record. Thus, His Lordship was of the view that on vague allegations, the writ court should not pass any directions.

7. We are in absolute agreement with His Lordship. However, the order impugned is modified to the extent that, if the appellant files any representation with details of the allegation as regards unauthorized construction on the PWD land, with proper description and specification before the PWD and other authorities, the competent authority, shall initiate proceedings in accordance with the relevant laws applicable for removal of construction from government land.
8. The issue of encroachment over the petitioner's land, shall not be gone into by any of the authorities. For the relief against encroachment, the appellant may approach the civil court.
9. Accordingly, the appeal and the connected applications are disposed of.
10. It is made clear that we have not gone into the merits of the issues involved and both the

parties are at liberty to make appropriate submission at the appropriate stage before the competent authority.

11. There shall be no order as to costs.
12. Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)

(Ajay Kumar Gupta, J.)