

02.02.2026
Item No.54
Ct. No.1
KS

W.P.A (P) 327 of 2022
Sannyasi Ghosh & Anr.
Vs.
The Union of India & Ors.

Mr. Surya Prasad Chattopadhyay
Mr. Arjun Samanta
Mr. Ankit Chatterjee

..... For the Petitioners

Mr. Jahar Lal De, Ld. A.G.P.

Mr. Supratim Dhar

.....For the State

Mr. Swapan Kumar Majumder

Mr. Saptarshi Mazumder

.....For the Respondent No.14/Nabadwip Municipality

Mr. P. P. Ray

.....For the Respondent Nos.18 & 19

PER, PARTHA SARATHI SEN, J.:

1. The writ petitioners, respondent/State, Municipality and the private respondents are represented by their respective learned counsels.
2. By filing the instant writ petition, which is in the nature of a Public Interest Litigation, the writ petitioners have prayed for issuance of appropriate Writ/Writs against the respondent authorities for evicting the private respondent nos.18 and 19 and/or their men and agents from the plot of land, particulars of which has been mentioned in Prayer – A of the instant writ petition by demolishing any illegal construction thereon alongwith other consequential reliefs.
3. At the time of hearing, Mr. De, learned counsel appearing on behalf of the respondent/State, at the very

outset, draws our attention to the report as submitted by the respondent nos.2, 6, 7, 9 and 11 and as has been affirmed on 22.08.2022.

4. It is submitted by Mr. De that from the report as submitted before this Court it would reveal that Southern portion of Plot No.147 in Mouza – Simulgachhi, P.S. – Nabadwip, District - Nadia was acquired by P.W.D. (Roads) for construction of approach road from Gouranga Setu Project, Nabadwip and pursuant to such acquisition process, awarded amount of compensation to the extent of 80% in favour of the land loser was disbursed in the name of the land loser/raiyat Felani Chandra Das and after his demise, the balance amount of compensation for acquisition of land was disbursed to the legal heirs of the said raiyat as would appear from the Annexures to the said report.
5. It is further submitted by Mr. De that in the said report it has been specifically averred that since the requiring body i.e. P.W.D. (Roads) did not apply for mutation, as a result, the said plot of land was not mutated in the name of the requiring body and further, taking advantage of same, the private respondents suppressed the factum of such acquisition and again transferred the said acquired land, which has no basis in the eye of law.
6. It is further contended by Mr. De that after filing of the instant writ petition, the requiring body being the

P.W.D. (Roads) now approached the jurisdictional B.L. & L.R.O., Nabadwip to correct the Record of Rights.

7. Per contra, Mr. Ray, learned counsel appearing on behalf of the private respondents, however, contended that from the acquisition notice, as has been annexed at page 39 of the instant writ petition, it would reveal that in Plot No.147 only 0.35 acres of land was acquired out of 1416 Hectares and the same would be further evident from the Record of Right (Annexure – P4) wherefrom it reveals that 0.37 acres of land out of 0.7300 acres were recorded in the name of private respondent no.19/ Sangita Sarkar Biswas herein.
8. It is, thus, submitted by Mr. Ray that by way of alleged mutation, the respondent/State is making an attempt to nullify the subsequent registered Deed of Conveyance, which is not permissible in the eye of law.
9. On careful consideration of the entire materials on record, as placed before us and after hearing the learned counsel for the contending parties, this Court considers that in a writ petition, this Court cannot enter into disputed questions of fact.
10. However, prima facie, materials have been placed before this Court that in Plot No.147 under P.S. – Nabadwip, 0.35 acres of land was acquired by the respondent/State for the requiring body i.e. P.W.D. (Roads) in L.A. Case No.8 B.R.P. of 1976-77.

11. Materials have been placed before this Court that in the meantime, P.W.D. (Roads) authority being the requiring body has already approached the jurisdictional B.L. & L.R.O., Nabadwip to correct the Record of Rights in favour of the P.W.D. (Roads) in respect of the said acquired land.

12. Since Mr. Ray, learned counsel appearing on behalf of the private respondent nos.18 and 19 raises strong objection with regard to the proposed mutation, while disposing of the instant writ petition, permits the private respondent nos.18 and 19 to ventilate their grievances before the jurisdictional B.L. & L.R.O. who in turn, after considering the objection of the private respondents in the light of the available Mouza Map as well as acquisition Map shall pass a reasoned order. It is further ordered that in the event, the B.L. & L.R.O., Nabadwip finds sufficient merit in the mutation application, as submitted by the P.W.D. (Roads), he is directed to act in accordance with law.

13. Further liberty is given to the respondent/State and its instrumentalities to initiate appropriate action for eviction of the unauthorized occupier, if there be any, on the said acquired plot of land, soon thereafter.

14. With the aforementioned observation, W.P.A (P) 327 of 2022 stands disposed of.

15. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(SUJOY PAUL, CJ.)

(PARTHA SARATHI SEN, J.)