IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

Ct.19 **05.10.26**
Item No.10 Sws.M

WPA 17931 of 2026

Sitikantha Sasmal & Ors.
Vs
The State of West Bengal & Ors.

Mr. Anup Dasgupta
Mr. Sourav Mondal

...for the petitioners

Mr. Asim Hati
Mr. Antariksha Karmakar
Mr. Sanjit Singh

...for the State

Mr. Pritam Choudhury
Mr. Tamal Taru Panda

...for the respondent No. 9

1. Affidavit of service as filed today on behalf of the writ petitioners is taken on record.
2. The writ petitioners, the respondent/State and the private respondent are represented by their respective learned counsel.
3. By filing the instant writ petition the petitioners have alleged illegal encroachment over the public land within the meaning of Section 2(7) of the West Bengal Public Land (Eviction of Unauthorised Occupants) Act, 1962 (the said Act in short) in front of the writ petitioners' land, particulars of which has been mentioned in paragraph 2 of the instant writ petition.

4. It is argued on behalf of the writ petitioner that on account of the alleged illegal encroachment over the public land by the private respondent No. 9, the egress and ingress of the writ petitioner in the aforementioned land of the writ petitioner has been seriously obstructed.
5. It is further submitted that despite submission of a representation dated 16.06.2026 before the respondent Nos. 3 and 4/authorities, no steps have been taken by the said authorities for removal of the said encroachment.
6. Learned advocate appearing on behalf of the respondent/State submits before this Court that the respondent No. 3/authority may be directed to consider the said representation dated 16.06.2026 in accordance with law.
7. Learned advocate appearing on behalf of the private respondent, however, opposes the prayer by saying that no cogent material has been placed before this Court to substantiate the allegation as made by the writ petitioner.
8. On careful perusal of the entire materials as placed before this Court and after hearing the learned advocates for the contending parties it appears that it is the specific case of the writ petitioner that the encroached land belongs to the department of irrigation and waterways.

9. In view of such, this Court while disposing the instant writ petition directs the respondent No. 4/authority to make a field verification after giving prior notice to the writ petitioner and the private respondent and to submit a demarcation report with the respondent No. 3/authority positively within thirty working days from the date of communication of the server copy of this order.

10. The respondent No. 3/authority on receipt of the said demarcation report from the respondent No. 4/authority is directed to cause service of notice upon the writ petitioner and the private respondent and shall provide them copies of the demarcation report of the respondent No. 4/authority and he is further directed to give fair chance of hearing both to the writ petitioner and the private respondent and thereafter to pass a reasoned order on the representation dated 16.06.2026 as submitted by the writ petitioner in terms of Section 3 and Section 4 of the said Act and shall forthwith communicate the same both to the writ petitioner and the private respondent.

11. It is further directed that the respondent No. 4/authority while causing the process of demarcation and/or field verification is at liberty to take the assistance of the respondent No. 7/authority.

12. It is further directed that in the event while passing the reasoned order, the respondent No.3 /authority finds that a public land has been encroached by the private respondent, he is directed to take all consequential action in terms of Section 4 of the said Act soon thereafter.

13. The entire exercise as indicated in the foregoing paragraphs shall have to be completed by the respondent No.3/authority, positively within sixty working days from the date of receipt of the demarcation report by the respondent No. 4/authority.

1. The time limits as fixed by this Court are peremptory and mandatory.
2. Liberty is given to the learned advocate-on-record for the writ petitioner to communicate the server copy of this order to the respondent Nos. 3, 4 and 7/ authorities, who are directed to act on the server copy of this order.
3. With the aforementioned observations, the instant writ petition is **disposed of.**
4. Before parting with, it is however made clear that while disposing the instant writ petition, this Court has not gone in to the merits of the representation dated 16.06.2026 and thus all points are kept open for adjudication by the respondent No. 3/authority.

5. Urgent Photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen , J.)