

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

Ct.551 **15.01.2026**
Item No.684 Sws.M

WPA 21834 of 2025

Subrota Kumar Mondal
Vs
The State of West Bengal & Ors.

Mr. Soumyajit Bhatta
...for the petitioner

Mr. Swapan Kumar Dutta, Ld. GP
Ms. Sulagna Bhattacharya
...for the State

Mr. Soubir Banerjee
....for the respondent No. 9

1. This writ petition has been filed alleging inaction on the part of the respondent no. 3 in taking steps against the respondent no. 9, despite the petitioner's representation/complaint against the respondent no. 9 that the said respondent had encroached upon public/Government land and raised unauthorized construction thereon.
2. By an order dated September 22, 2025, a Co-ordinate Bench of this Court had directed the Block Land & Land Reforms Officer, Berhampore to conduct an inspection of the land under occupation of the respondent no. 9, to ascertain the character of the said land and also to indicate as to who is the recorded owner thereof.
3. In terms of the said order, a report under Memo No. 2090/En/BL & LRO, Sadar/2025 dated December 4, 2025 has been filed in Court today. The said report which bears the seal of the Block Land and Land Reforms Officer, Sadar, Berhampore, Murshidabad states as follows:

“The enquiry report as submitted by the concerned Revenue Inspector it transpires that the L.R. Plot no. 42 of mouza – Shibdanga Badarpur, J.L. NO. 79 is recorded in the name of Bibharani Das, w/o-Kalipada Das & Sudarshan Hazra s/o – Radhu Hazra measuring area 0.0800 acre & 0.0100 acre, classified as “Bari”. In front of plot no. 42, one another plot i.e. Plot no. 19 is recorded in favour of Collector on behalf of Govt of West Bengal in Khatian No. 1 in which approximately (8x14 sqft.) = 112 sqft (0.0026 acre area has been encroached by Paltu Hazra, S/o – Sudarshan Hazra by making house with “Bamboo” and “Tali” and reside there approximately since 40 (forty) years. As a result of that ingress and egress into the L.R. plot no. 42 and L.R. plot no. 41/995 has been occurring partially.”

4. The said report dated December 4, 2025 filed in Court today is taken on record. Copies of the said report have also been made over to the learned advocates appearing for the respective parties by the learned advocate appearing for the State-respondents.
5. Since it is *prima facie* apparent that there has been some encroachment on Government land, the respondent No. 3 shall initiate appropriate proceedings in terms of the relevant provisions of the West Bengal Public Land (Eviction of

Unauthorised Occupants) Act, 1962 forthwith. Needless to mention that the Sub Divisional Officer, Berhampore, Murshidabad, i.e. the respondent No. 3 shall issue appropriate notices to all concerned including the petitioner and the respondent no. 9 and pass appropriate orders, in accordance with law, upon hearing all concerned persons. Needless to mention that all the concerned parties including the petitioner and the respondent no. 9 shall have liberty to place their respective cases and supporting documents before the said Sub-Divisional Officer.

6. It is clarified that this Court has not gone into the merits of the case and the Sub Divisional Officer shall be free to take an independent decision in the matter, in accordance with law.
7. It is expected that the proceedings initiated by the said Sub-Divisional Officer under the said Act of 1962 in terms of this order shall be concluded as expeditiously as possible, preferably within a period of six weeks from the date of communication of this order upon affording an opportunity of hearing to all the concerned parties as aforesaid including the petitioner and the respondent no. 9.
8. With the above observations, WPA 21834 of 2025 stands disposed of.

9. Urgent photostat certified copy of this order, if applied for, be supplied to the parties on urgent basis after completion of necessary formalities.

(Om Narayan Rai , J.)