

19.01.2026
Item No.42
Ct. No.1
KS

W.P.A. (P) 485 of 2024

Bijoy Mahato

Vs.

The State of West Bengal & Ors.

Mr. Partha Sarathi Bhattacharya, Sr. Adv.

Mr. Sougata Mitra

Ms. Soma Chakraborty

Mr. Nikhil Kr. Gupta

Mr. Subhodeep Moitra

.....For the Petitioner

Mr. Supriyo Chattopadhyay, Ld. A.G.P.

Mr. Shamim Ul Bari

.....For the State

PER, PARTHA SARATHI SEN, J.:

1. The writ petitioner and the respondent/State are represented by their respective learned counsels.
2. By filing the instant writ petition, the writ petitioner has prayed for issuance of appropriate Writ/Writs against the respondent authorities commanding them to make an arrangement for leaving a space of 12 to 15 feet wide pathway by the side of the boundary wall under construction for the purpose of user of a pathway of more 10000 villagers of 11 villagers, particulars of which has been mentioned in the instant writ petition as well as in the representation, copies of which have been annexed with the instant writ petition.

3. At the time of hearing, Mr. Bhattacharya, learned senior counsel appearing on behalf of the writ petitioner, at the very outset, draws our attention to page 60 of the instant writ petition being, a copy of the representation dated 18.11.2024.
4. Attention of this Court is further drawn to the copy of the representation as has been annexed at page 46 of the instant writ petition.
5. It is submitted by Mr. Bhattacharya that by the said two representations, it has been brought to the notice of the respondent authorities that in the event, the proposed boundary wall is permitted to be constructed for the District Mass Education and Literacy Department, the pathway, as has been used by the villagers of the nearby villages, would be obstructed and in that event, they have to avail an alternative pathway, which would be much inconvenient since the same would be much more lengthy.
6. It is, thus, submitted that the writ petitioners are entitled to the reliefs, as prayed for.
7. It is further argued by Mr. Bhattacharya that in the exception to the report of the respondent no.4 it has been specifically pleaded by the petitioner that while

disposing the representation of the writ petitioner, no opportunity of hearing was given to the writ petitioner and/or their authorized representative. Such contention, is, however, vehemently opposed on behalf of the respondent/State.

8. Drawing attention to the report dated 13.01.2025, as submitted by the Additional District Magistrate (Dev.), Purulia, it is argued on behalf of the State that on the basis of the representation of the writ petitioner and pursuant to the earlier order of a Co-ordinate Bench of this Court dated 12.12.2024 passed in connection with *W.P.A. (P) 485 of 2024 [Bijoy Mahato Vs. The State of West Bengal & Ors.]*, ample opportunity was given to the writ petitioner not only for attending the hearing but also at the time of conducting survey.
9. It is further submitted that the Additional District Magistrate (Dev.), Purulia on the basis of the survey report and after giving due chance of hearing to all the stake holders came to a finding that the State Welfare Home, Purulia has constructed a destitute home in the plot of land being, Plot No.1058 in Mouza – Gopalpur, which is a Government land and recorded in Khatian No.1 and further the construction

of boundary wall on the self-same land has already been completed.

10. It is further submitted that in view of the completion of the construction of the boundary wall on the land of the Government, the instant writ petition has become infructuous.

11. It is further submitted that before the Additional District Magistrate concerned, the writ petitioner has failed to substantiate that the land over which the partition boundary wall has been constructed, has been recorded as a pathway.

12. To substantiate his contention, learned counsel appearing on behalf of the respondent authority, draws our attention of this Court to the copies of the L.R. Records, as have been annexed with the instant report.

13. In course of his reply, Mr. Bhattacharya, learned senior counsel, however, disputed the contention of the State that at the time of survey, any prior notice was given to the stake holders.

14. It is further submitted by Mr. Bhattacharya that from the materials placed before this Court, it would reveal that some villagers even are willing to donate their respective portions of lands for the purpose of

creating pathway and, therefore, the prayer made by the writ petitioner to construct the boundary wall keeping 12 to 15 feet away is no way unjust.

15. We have carefully perused the entire materials, as placed before us. We have given our due consideration over the submissions of the learned counsels for the contending parties.

16. On careful perusal of the order dated 08.12.2025, it reveals that the Additional District Magistrate (Dev.), Purulia upon hearing all the stake holders and upon considering the survey report alongwith the sketch map came to a factual finding that the construction of the boundary wall has been raised on a Government land, which has been recorded in the L.R. Khatian after inter-departmental transfer.

16. It has also been reported that the construction of the boundary wall for the said State Welfare Home, Purulia has already been completed.

17. On being asked, learned counsel appearing on behalf of the writ petitioner could not satisfy ourselves as to what prevented the respondent authorities to construct a boundary wall on the State land, as recorded in the Khatian No.1 especially when such boundary wall is very much required for the safety

and security of the destitute home, which is made for the orphan, destitute students and financially weaker sections.

18. Considering the entire materials, as placed before us, we do not find any reason to grant any reliefs, as prayed for in the instant writ petition, which has been filed by way of public interest litigation.

19. Accordingly, the instant writ petition being, W.P.A. (P) 485 of 2024 stands dismissed.

20. However, liberty is given to the writ petitioner and/or similarly public spirited person to submit their fresh representation before appropriate respondent authorities for construction of a wide pathway on the land proposed to be given by some of the villagers.

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

22.

(SUJOY PAUL, CJ.)

(PARTHA SARATHI SEN, J.)