

Court No. 19

(265719)

05.01.2026

(A 11)

(S. Banerjee)

WPA 29233 of 2025

Sri Paritosh Datta

Vs.

The State of West Bengal & Ors.

Mr. Animesh Paul

Mr. Debendra Ghosal

...for the petitioner

Mr. Himadri Sikhar Chakraborty

Ms. Susnita Saha

...for the State

The petitioner has prayed for issuance of a writ of Mandamus directing the respondent authorities to abstain from making any construction on the petitioner's land being LR Dag No. 347, LR Khatian No. 691, Mouza – Ishgara under Police Station Khayrasole in the district of Birbhum. The petitioner submitted a representation before various authorities to abstain from making any construction on the petitioner's property. The petitioner claims to have acquired right, title and interest in respect of Dag No. 347 within Mouza – Ishgara under Police Station Khayrasole in the district of Birbhum measuring an area of about 0.67 Sataks by virtue of a registered deed of gift being no. 030704462 for the year 2020.

The learned advocate appearing for the petitioner submits that though a portion of plot no. 347 was acquired for the purpose of construction of Railway Over Bridge and its approaches but the property gifted to the petitioner does not fall within the said acquired area.

Learned advocate appearing for the respondent files a report of the Executive Engineer (West Zone – 2), Public Works (Roads) Directorate, Government of West Bengal, which is taken on record. The said report specifically states that the land under dispute measuring approximately 0.0025 acres pertaining to LR Dag No. 347 within Mouza – Ishgara, in the district of Birbhum, forms part of the land acquired for the Railway Over Bridge project and the possession of the acquired land was taken over by the authorities of the National Highway Wing, Government of West Bengal on May 4, 2018 for execution of the project. The alignment and the right of way were demarcated by the officials of CALA Birbhum in the presence of the officials of National Highway Wing, Government of West Bengal. The report further states that the petitioner did not raise any objection during the acquisition proceeding or at the time of taking possession in 2018. The report further states that the petitioner commenced

construction of a residential structure only in the year 2021 and prior to commencement of such construction the petitioner never sought for nor obtained any official demarcation of his property from the competent authority, nor did he intimate the authorities that he is going to make construction on the said land. The notification dated February 15, 2017 under Section 3A(1) of the National Highways Act, 1956 has been annexed to the said report. It appears therefrom that the acquisition proceeding was initiated sometimes in the year 2017 and the portion of plot no. 347 was transferred in favour of the petitioner by his father namely, Arjun Dutta after initiation of the acquisition proceeding.

The petitioner has annexed the payment notice dated February 22, 2018 in the instant writ petition and has approached this Court only in the month of December, 2025 praying for an order restraining the respondent authorities from undertaking the construction on the petitioner's property.

It is not in dispute that the petitioner made construction in the year 2021. The petitioner did not make any attempt for demarcation of his property before making construction.

This Court is not inclined to entertain a dispute as to demarcation of the acquired land at the instance of the petitioner at this belated stage.

For all the reasons as aforesaid, this Court is not inclined to grant any relief to the petitioner. Accordingly, this writ petition stands dismissed without, however, any order as to costs.

(Hiranmay Bhattacharyya, J.)