

02.03.2026
Item No.14
Ct. No.01
RP

WPA(P) 67 of 2026

**Nimai Das
Vs.
The State of West Bengal & Ors.**

Mr. Dilip Kumar Maiti
Ms. Maitryee Maiti
...For Petitioner
Mr. Swapan Datta, Ld. GP
Ms. Swatika Chowdhury
...For State
Mr. Sk. Sahjahan Ali
...For Respondent No.5
Mr. Uttam Kumar Bhattacharya
...For Respondent No.4
Mr. Amit Ranjan Pati
Ms. Khadijatul Kubra
Ms. Itika Nag
Mr. Anish Goswami
Mr. Avijit Chatterjee
Mr. Sourav Gupta
...For Respondent No.10

PER, PARTHA SARATHI SEN, J.:

1. The petitioner, the respondent State and its instrumentalities, Purba Medinipur Zilla Parishad and the private respondent no.10 are represented by their respective counsels.
2. On behalf of the private respondent no.10 a photocopy of the memorandum dated 18.02.2025 as has been issued by the Pradhan of the respondent no.5 is filed in Court today and the same is taken record.

3. At the time of hearing, learned counsel for the petitioner submits before this Court that by way of a temporary settlement the respondent no.4/Zilla Parishad has settled a drainage system situated in LR Plot No.124, Khatian No.257, J.L. No.3, Mouza-Tentulia, in district Purba Medinipur in favour of the private respondent and taking advantage of the same the private respondent has obtained a sanctioned plan for raising a two-storied building.
4. It is submitted that it is the apprehension of the writ petitioner that in the event such building is constructed the entire drainage system of the concerned village would be blocked and, thus, it would be difficult for the villagers to reside in the said village. It is submitted that on 15.01.2026 a representation ventilating the grievance of the villagers has been submitted before the respondent/State and its instrumentalities but of no effect.

5. Such contention is, however, opposed by the learned advocate for the private respondent. It is submitted that the land, which has been settled in favour of the private respondent, is not on drainage system and on such land in the selfsame mouza several constructions are also there. It is, however, fairly submitted that on 18.02.2025 the Pradhan of the respondent no.5 has issued a notice communicating thereby cancellation of the sanction plan as has been granted earlier in favour of the private respondent.
6. Mr. Chatterjee, learned counsel for the State and Mr. Bhattacharya, learned counsel for the respondent no.4/Zilla Parishad submits before this Court that they intend to file their independent reports in connection with the instant writ petition.
7. In view of such, let the matter be listed on 17th March, 2026 under the heading "PIL(Motion)". Liberty is granted to the private respondent to file affidavit-in-opposition on the adjourned day. However, an advance copy of the same

shall have to be served on the learned advocate for the writ petitioner, learned counsel for the respondent State and the learned counsel for the Zilla Parishad.

8. Liberty is given to the writ petitioner to file exception to the report on the adjourned day. In the meantime, let there be no further construction work over the plot of land as involved in the writ petition till the last day of April 2026 or till further order, whichever is earlier.

[SUJOY PAUL, CJ.]

[PARTHA SARATHI SEN, J.]