

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(APPELLATE SIDE)

W.P.A. NO 12192 OF 2025

Omar Ali Sha & Ors.

-vs-

The State of West Bengal & Ors.

Ms. Gopa Biswas,
Mr. Hasanuz Zaman Moller,
Ms. Ankita Ghosh,
Mr. Imzamamul Islam,
Mr. Ayush Majumder,
Mr. Hasibur Rahaman Jamader,
Ms. Salini Bhattacharjee

....for the petitioner.

Mr. Rahul Karmakar,
Mr. Saptarshi Datta,
Ms. Sringita Ghosh,
Mr. Pourush Kanti Pal,
Mr. Debdut Hore

....for the respondent no.6.

Mr. Suryaneel Das,
Ms. Anita Kundu,
Ms. Sumita Sarkar

....for the State.

1. In terms of previous order a communication dated 3rd August, 2026 of Inspector-in-Charge, Rajarhat Police Station is filed today and same is taken on record. Copies of said communication dated 3rd August, 2026 are made over to the learned advocates representing petitioner and respondent no. 6.
2. It is disclosed in the communication dated 3rd August, 2026 that land comprising Dag No.4991 under Mouza Matiagacha, Police Station-Rajarhat does not come under the consent letter dated 28th April, 2022 which was executed by owners of land in connection with land

comprising of other Dag numbers including Dag Nos.5004 and 5013. Therefore, no right accrues in favour of respondent no.6 to occupy said land under Dag No.4991 for running Mixing Plant and stacking building materials.

3. However, it is submitted on behalf of the State respondents in reference to said communication dated 3rd August, 2026 cooperation of Block Land and Land Reforms Officer, Barasat-II, North 24 Parganas is required for demarcation of land under Dag No.4991 since it is found that such land is undivided and undemarcated. Demarcation of land under Dag No.4991 amongst its present owners need not be taken into consideration in the present writ petition taking note of this Court's determination. What is significant to note herein in reference to facts disclosed in the communication dated 3rd August, 2026 that respondent no.6 has no right to encroach land under Dag No.4991.
4. It is submitted on behalf of the respondent no.6 that respondent no.6 has not encroached land under Dag No.4991.
5. Hence, Officer-in-Charge, Rajarhat Police Station being respondent no.5 is directed to remove encroachment from the said land under Dag No.4991 if it is found that land is encroached by respondent no.6 or any other persons.
6. In this regard, if any assistance is required Block Land and Land Reforms Officer, Barasat-II, North 24

Parganas is directed to extend such assistance for carrying out order passed by this Court today to make land under Dag No.4991 free from encroachment.

7. With the aforesaid directions, writ petition stands disposed of.
8. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)