

S/L 10  
12.06.2026  
Court. No. 25  
*chanchal*

WPA 12449 of 2026

Timir Sur  
Vs.  
The State of West Bengal & Ors

*Mr. Anirban Bose*  
*Mr. Debmalya Ghoshal*  
*Mr. Chandrachur Biswas*  
*Mr. Rahul Nag*

*...for the Petitioner.*

*Mr. Lokenath Chatterjee,*  
*Mr. Arhat Biswas*

*...for the State*

*Ms. Manika Roy*  
*Mr. Atanu Sur*

*...for the NHAI*

1. The grievance of the writ petitioner is that the notice issued by the National Highway Authority of India dated 15<sup>th</sup> June, 2023 wherein petitioner is directed to remove unauthorized occupation over plot Number 109, Sheet No-54 is not in an unauthorized occupation of the petitioner.
2. The learned counsel for the petitioner contends that the petitioner has acquired the said plot from the Howrah Improvement Trust and the petitioner is not in occupation of any unauthorized occupation of Government land.
3. The learned counsel appearing for the National Highway Authority of India has submitted a joint survey/inspection report dated 11<sup>th</sup> June, 2026 wherein it is found that on 11<sup>th</sup> June, 2026 an inspection of the particular property was carried out and during the inspection it was found that the petitioner has alleged to

have encroached 190 square feet of land which was actually belonged to K.M.D.A. and it has notified and acquired for Kona Expressway Project. The petitioner is denying the said report.

4. This Court has directed the authorities to produce the original map to show with regard to the land in question but none of the authorities have produced the original record of the land in question. But have produced the report which shows that the petitioner is alleged to have encroached the 109 square feet of the land.
5. Considering the above, this Court is of the view that the land of the writ petitioner is to be inspected and demarcated by the competent authority in presence of the petitioner, NHAI and the authority of the Howrah Improvement Trust.
6. Accordingly, the District Magistrate, Howrah is directed to conduct fresh enquiry by demarcating the R.S. plot No. 109 by taking into consideration of the original map available with the authorities in presence of the petitioner within a period of 10 days from the date and to submit the report before this Court on 23<sup>rd</sup> June, 2026 along with sketch map to show which portion of the land is alleged to have been occupied by the petitioner.
7. Let the matter appear on 23<sup>rd</sup> June, 2026 under the same heading at the top for the filing report by the District Magistrate.
8. This Court hope and trust that the authority will not disturb the possession of the petitioner till the next date of hearing.

**(Krishna Rao, J.)**