

WPA/16300/2025

**ASTO PAUL
VS.
THE STATE OF WEST BENGAL AND ORS.**

Mr. Golam Mastafa, Adv.
Mr. Tarasankar Samanta, Adv.
Mr. Surajit Maity, Adv.

...For the Writ Petitioner

Mr. Nilanjan Bhattacharya, Sr. Standing Counsel
Ms. Jayita Dhar Chakraborty, Jr. Govt. Adv.
Mr. Nilanjan Pal, Adv.

...For the Respondent-State

Mr. Juin Dutta Chakraborty, Adv.
Mr. Bidan Modak, Adv.

...For the Respondent Nos.10&12

1. The contending parties to the instant writ petition are represented by their respective learned counsel.
2. At the time of hearing, Mr. Mastafa, learned advocate appearing on behalf of the writ petitioner submits before this Court that the grievance of the writ petitioner is that on a 0.03 decimal of government situated in L.R. Plot Nos.858 and 860 in Mouza-Bagnan under P.S.-Bagnan, District-Howrah, the private respondents have raised illegal construction and as a result whereof the writ petitioner is facing difficulty in getting easy egress and ingress to the writ petitioner's *rayati* land situated in selfsame L.R. Plot Nos.858 and 860. It is further submitted that after receipt of the complaint

from the writ petitioner, the jurisdictional B.L.&L.R.O. has issued a notice dated 07.05.2025 to the private respondents commanding them not to raise any construction and/or not to make any unauthorised encroachment over government land being L.R. Plot Nos.858 and 860. It is submitted by Mr. Mastafa that despite service of such notice the private respondents have constructed and encroached the said government land causing serious obstruction to the writ petitioner's easy egress and ingress to his own rayati land.

3. It is, thus, submitted on behalf of the writ petitioner that appropriate relief/reliefs may be granted in terms of prayers made in the instant writ petition.
4. Such contention is vehemently opposed on behalf of the respondents. It is submitted that in absence of any cogent materials writ petitioner is not entitled to the relief/reliefs as prayed for.
5. Mr. Nilanjan Pal, learned advocate for the State, in his usual fairness submits before this Court that the jurisdictional B.L.&L.R.O., that is, the Respondent No.7 authority may be directed to make a demarcation report and the same may be submitted with the Respondent No.5 authority for doing his needful.
6. On careful perusal of the entire materials as placed before this Court and after hearing the contending

parties, this Court while disposing the instant writ petition directs the Respondent No.7 authority to make a field verification at the disputed plot, that is, in L.R. Plot Nos.858 and 860 after giving prior notice to both the writ petitioner and the private respondents and shall submit a demarcation report with the Respondent No.5 authority positively within 30 working days from the date of communication of the server copy of this order.

- 7.** Respondent No.5 authority on receipt of the said demarcation report from the Respondent No.7 authority shall consider as to whether in such report any indication is made regarding unlawful encroachment on government land or not. In the event Respondent No.5 authority finds encroachment in the said demarcation report, he is directed to act in terms of sections 3 and 4 of the West Bengal (Eviction of Unauthorised Occupants) Act, 1962 ('Act of 1962' in short) soon thereafter.
- 8.** It is, however, made clear that in the event Respondent No.5 on receipt of the demarcation report chooses to initiate proceeding under sections 3 and 4 of the Act of 1962, the same has to be completed positively within 150 working days from the date of receipt of the demarcation report from the Respondent No.7 authority.

- 9.** The time limits, as fixed by this Court, are peremptory and mandatory.
- 10.** With the aforementioned observations and directions, the instant writ petition is **disposed of**.
- 11.** Before parting with, it is made clear that while disposing of the instant petition this Court has not gone into the merits of the instant writ petition and thus, all point are kept open for adjudication before the Respondent No.5 authority.
- 12.** Since affidavits have not been called for, the pleadings as made in the instant writ petition are deemed to have been denied.
- 13.** Urgent Photostat certified copy of this order, if applied for, be given to the parties, on priority basis, upon compliance of all necessary formalities.

(PARTHA SARATHI SEN, J.)