

M/L 11
01.09.2025
Court. No. 19
Sourav

WPA 19714 of 2025

**Biswarup Mukherjee & Ors.
Vs.
The State of West Bengal & Ors.**

*Mr. Anindya Halder
Ms. Nupur Chakraborty
Mr. Shaondeep Chakraborty
Mr. Ronit Deyashi*

...for the petitioners.

*Mr. Tapan Kumar Mukherjee, Ld. AGP
Ms. Sangeeta Roy*

...for the State.

1. Both the writ petitioners and the respondent/State and its instrumentalities are represented by their respective learned advocates.
2. By filing the instant writ petition, the writ petitioners have prayed for issuance of appropriate writ/writs against the respondents/authorities, more specifically, against the respondent no. 6/authority for revoking and/or cancelling and/or rescinding the e-auction notice dated 04.08.2025 bearing Auction ID – 2025_WB_4928 for auction of black stone block in Rampurhat bearing stone block No. BIR/BS/RAMPURHAT-I/SENBANDHA/05/ 2025 of plot No. 131, in Mouza – Senbandha, J.L. No. 37, P.S. Rampurhat, Sub Division – Rampurhat-I, Gram Panchayat – Mashra, District – Birbhum, Lease Area – 2 Hectare for a period of five years, a copy of which has been annexed at Page Nos. 40 to 65 of the instant writ petition.
3. At the time of hearing, Mr. Halder, learned advocate appearing on behalf of the writ petitioners at the very

outset draws attention of this Court to Page Nos. 24 to 35 of the instant writ petition, being a copy of the registered deed of conveyance dated 25.07.2023 as has been executed in favour of the writ petitioners as purchasers. It is submitted by Mr. Halder that from the schedule of the deed of conveyance dated 25.07.2023, it would reveal that the writ petitioners jointly purchased 33 decimals (16+17 decimals) in Plot No. 131 in Mouza – Senbandha under P.S. Rampurhat, District – Birbhum.

4. Drawing attention of Page Nos. 36 to 39 of the instant writ petition, being copies of some LR & RORs, it is further submitted by Mr. Halder that after purchase of the said portion of the land in Plot No. 131, the names of the writ petitioners were duly recorded in the said LR & ROR. It is further submitted by Mr. Halder that it is the specific case of the writ petitioners that the present writ petitioners and one Talka Tudu are also the co-sharers of the said Plot No. 131 over which the respondent no. 6/authority claims exclusive ownership of the respondent/State and it is the further case of the writ petitioner that the Plot No. 131 is still unpartitioned and undemarcated and, therefore, by issuing aforementioned e-auction notice, the respondent no. 6/authority has made an endeavour to interfere with the right, title and interest over the properties of the writ petitioners, especially when the portion of the aforementioned Plot No. 131 belonging to the writ petitioners have not either been demarcated or been partitioned.

5. It is thus submitted by Mr. Halder that in the event, the respondent no. 6/authority is permitted to proceed with the said notice inviting application dated 04.08.2025, the right, title and interest of the writ petitioners over the Plot No. 131 in the aforementioned Mouza is going to be prejudiced and the very purpose of filing the instant writ petition would become infructuous.
6. Mr. Mukherjee, learned senior advocate appearing on behalf of the respondent/State submits before this Court that he intends to file a report in connection with the instant writ petition. It is further submitted by Mr. Mukherjee that sub-soil right belongs to the State.
7. In view of such, let the matter be listed on September 19, 2025 under the heading “**Adjourned Motion**”.
8. The report in the form of affidavit shall have to be filed by the respondents/authorities on the adjourned day, however, an advance copy of the same shall have to be served upon the learned advocate for the writ petitioners positively on September 17, 2025.
9. Considering the urgency of the matter as pleaded by Mr. Halder, let there be an order of *status quo* in respect of Plot No. 131 in Mouza – Senbandha till the last day of November, 2025 or till further order whichever is earlier.

(Partha Sarathi Sen, J.)