

S/L 11
26.09.2025
Court. No. 19
Swayan

WPA 22289 of 2025

**Kabita manna & Anr.
Vs.
The State of West Bengal & Ors.**

*Mr. Kallol Kr. Basu
Mr. Nilanjan Pal
Mr. Sabyasachi Mondal
Mr. A. S. Fazlul Karim
Mr. Sarthak Dey
Ms. Payel Khanra*

...for the petitioners.

*Mr. Tapan Kumar Mukherjee, Sr. Adv.
Mr. Santimay Bhattacharyya*

...for the State.

Mr. Pinaki Ranjan Chakraborti

...for the proforma respondent nos. 22 to 28.

1. Upon instruction from the learned Advocate-on-Record Ms. Payel Khanra, Mr. Basu, learned Advocate for the writ petitioners submits before this Court that the service upon the private respondent nos. 10 to 21 have been effected. With that assurance the affidavit-of-service as filed today is taken on record.
2. The subject matter of challenge in the instant writ petition is the action of the respondents/authorities regarding alleged illegal demolition of the entire building of the writ petitioners situated in L.R. Plot no. 650 in Mouza – Naikuri Jagannathchak under P.S. Tamluk.
3. At the time of hearing, Mr. Basu, learned Advocate appearing on behalf of the writ petitioners at the very outset draws attention of this Court to page no. 28 of the instant writ petition being a copy of the LR RoR in

respect of said Plot no. 650 which has been recorded in the name of the writ petitioner no. 1 as raiyat thereof. It is submitted by Mr. Basu that in a proceeding under Section 10 of the West Bengal Highways Act, 1964 (hereinafter referred to as the 'said Act' in short) the State/authorities has transgressed its power and demolished the building of the writ petitioners as situated in the said L.R. Plot no. 650.

4. It is submitted by Mr. Basu that at present it is the apprehension of the writ petitioner that the respondents/State in connivance of the private respondents who remain present at the time of demolition may create some third party interest over the writ petitioners' aforementioned L.R. plot. It is thus submitted that for the present an appropriate order may be passed restraining the respondents/authorities from taking possession and/or from creating any third party interest over writ petitioners' L.R. Plot no. 650.
5. Such prayer is opposed by Mr. Mukherjee, learned Senior Advocate appearing on behalf of the respondents/State.
6. It is argued that the instant writ petition is not at all maintainable in its present form. It is further submitted that as per the old Record of Right the aforementioned plot of land stood recorded in the name of District Board, Purba Medinipur. However, on being asked by this Court it has been submitted by

- Mr. Mukherjee as per current LR RoR the said plot no. 650 is recorded in the name of the writ petitioner no. 1.
7. It thus appears to this Court that the instant writ petition is required to be disposed of by exchange of affidavits.
 8. The respondents/State is directed to file affidavit-in-opposition within two weeks after reopening of the Court after the long Vacation of 2025.
 9. Liberty is given to the writ petitioner to file affidavit-in-reply within two weeks thereafter.
 10. Let the instant writ petition be listed under the heading "For Hearing" on December 15, 2025 with the mark 2.00 p.m.
 11. On careful perusal of the entire materials as placed before this Court and after hearing the learned Advocates for the contending parties, this Court considers that for the present the writ petitioners are successful in making out a *prima facie* case for obtaining an interim order in terms of prayer (h) of the instant writ petition.
 12. It further appears to this Court so far as the balance of convenience and in convenience is concerned, the balance of convenience leans in favour of the writ petitioner.
 13. It further appears to this Court that in the event the interim order as prayed for is not granted the writ petitioner may suffer irreparable loss and injury which cannot be compensated in terms of money.

14. In view of such, let there be an order of injunction restraining the respondents/authorities and/or their men and agents from taking possession and/or creating any third party interest over L.R. Plot no. 650 in Mouza – Naikuri Jagannathchak, P.S. – Tamluk, District – Purba Medinipur till the last day of February, 2026 or till further order whichever is earlier.

(Partha Sarathi Sen, J.)