

Court No. 19
(265719)

05.02.2026
(AD 33)
(S. Banerjee)

WPA 29798 of 2025

Abdul Suban Ali Khan
Vs.
The State of West Bengal & Ors.

Mr. Lakhminath Bhattacharya
Mr. Subhankar Bose
...for the petitioner

Mr. Sk. Md. Galib
Mr. Manish Biswas
...for the State

Mr. Dilip Kumar Shyamal
...for the private-respondent

The report of the Assistant Engineer and BL&LRO, Namkhana dated January 21, 2026 is taken on record.

An objection has been raised by the petitioner by contending that an order was passed by the Executive Engineer, National Highway Division-I, PW(Roads) Directorate on November 25, 2025 relying upon a demarcation report of the Block Land & Land Reforms Officer, Namkhana dated August 20, 2023 which was set aside along with the entire proceeding by the Hon'ble Division Bench in MAT 459 of 2024 on March 14, 2024.

Mr. Galib, learned Senior Government Advocate refers to the certificate of possession issued by the BL&LRO, Namkhana, South 24 Parganas dated October 9, 2009 and the certificate issued by the

Pradhan of Budhakhali Gram Panchayat dated September 10, 2019 in favour of the petitioner in respect of a portion of LR Dag No. 279 corresponding to RS Dag No. 230 measuring about 7 decimals the dimension of which is 44 feet X 64 feet. Mr. Galib submits that such authorities lacks jurisdiction to issue such possession certificate in favour of the petitioner.

Learned advocate appearing for the private-respondent submits that at the relevant point of time when the demarcation was conducted, the petitioner was not in possession of the portion in respect of which the order directing removal of encroachment was passed and has subsequently come into possession.

Mr. Galib, learned Senior Government Advocate prays for time to take necessary instruction from the BL&LRO, Namkhana and to revert back on the next occasion.

List the matter under the heading 'To be mentioned' on February 10, 2026.

(Hiranmay Bhattacharyya, J.)