

04.10.2021
jb.

W.P.A. 16246 of 2021
Subrata Dhara @ Malay Dhara & Anr.
vs.
State of West Bengal & Ors.

Mr. Ramdulal Manna
Mr. Sabyasachi Mondal
Ms. Saswati Ghosh
Mr. Sayan Mukherjee
.... For the Petitioners

Mr. T. M. Siddiqui
Mr. N. Chatterjee
.... For the State

The petitioners' grievance is that they have purchased the portion of the land from their vendor and have constructed a residential building therein after conversion of the same to bastu.

The State authority acquired some portions of the property in the two plots purchased by the petitioners excluding their plots and the portions occupied by them have not been acquired.

The Sub-Divisional Officer, Tamluk (Sadar) issued a notice of eviction upon the petitioner No. 1 on 21st September, 2021 holding the petitioner No. 1 to be unauthorised occupant of Government land and

directing the petitioner No. 1 to remove the encroachment in the land and vacate the same within a period of 7 days from issuance of notice.

The petitioners have come up before this Court challenging the said notice.

Learned advocate appearing for the State submits, at the very outset, that the writ petition is not maintainable as there is a specific provision for appeal under the Public Land (Eviction of Unauthorised Occupants) Act, 1962.

It is true that the writ Court must not as a matter of course decline to entertain a writ petition under Article 226 of the Constitution of India because of availability of alternative efficacious relief when there are circumstances indicating violation of natural justice, exceeding of jurisdiction and the like. No such allegation is made out in the present case. In the present case, there being specific provision of appeal under Section 7 of the Act of 1962 which is definitely an alternative efficacious relief available to the petitioners, this Court, in exercise of its extraordinary jurisdiction under Article 226 of the Constitution of India shall not delve into the merits of the case. As such, the writ

petition is not maintainable and is liable to be dismissed.

Accordingly, W.P.A. 16246 of 2021 is dismissed, being not maintainable.

There shall be no order as to costs.

Parties are at liberty to act on the server copy of the order available at the official website of this Court.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)