

Ct. 05
Item No.26
23.12.2022
(Suvendu)

WPA 28719 of 2022

**Md. Abdur Rashid @ Abdul Rashid & Anr.
Vs.
The State of West Bengal & Ors.**

Mr. Partha Pratim Roy
Mr. Tanmoy Mukherjee
Mr. Asif Ali

.....for the petitioners

Mr. Rajarshi Basu
Mr. K.M.Hossain

.....for the State

The petitioners have challenged a Notice dated 19th December, 2022 by which the petitioners have been requested to vacate the land within seven days after receiving the Notice and given the alternative of coming to the office of the concerned Block Development Officer of Health (BMOH) with documents. The BMOH passed this order under the West Bengal Public Land (Eviction of unauthorized occupants) Act, 1962.

Upon hearing learned counsel appearing for the parties it is evident that the authorities will have to follow the procedure laid down under the 1962 Act before any person is removed from his property or land. The concerned authorities, who

are empowered to take action, have also been named in the Act.

WPA 28719 of 2022 is accordingly disposed of with a direction on the BMOH/ respondent no. 11 not to take any action against the petitioners without first complying with the statutory mandate and procedure laid down under the West Bengal Public Land (Eviction of unauthorized occupants) Act, 1962.

The petitioners shall be at liberty of approaching the concerned authority for proving their case or title if the petitioners are so advised.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Moushumi Bhattacharya, J.)