

19th October,
2023
(AK)
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W.P.A 25654 of 2023

Iyasin Sk.
Vs.
The State of West Bengal and others

Mr. Soumen Dutta
Mr. Subhadeep Chatterjee
...for the petitioner.

Mr. Tanoy Chakraborty
Ms. Amrita Chakraborty
...for the State.

1. Learned counsel for the petitioner contends that the petitioner was given a short notice which is *de hors* the provisions of the Public Land (Eviction of Unauthorized Occupants) Act, 1962.
2. Learned counsel for the petitioner contends that apart from the fact that the notice was issued on October 3, 2023, disclosing a hearing date of October 10, 2023, which is much short of the mandatory fifteen days contemplated in Section 3(1) of the Act, the same was not in form.
3. That apart, the issuing authority did not have jurisdiction to send such notice in terms of the Act.
4. Learned counsel contends that as such, the consequential order of eviction passed under the said Act against the petitioner is bad in law.

5. It is argued that despite such objection being taken, the same was not adverted to by the concerned Sub-Divisional Officer/Collector.

6. Learned counsel for the respondents, at the outset, challenges the *locus standi* of the petitioner to maintain the present writ petition.

7. It is submitted that in paragraph nos.1 and 2, the petitioner has stated that he is the “original occupier” of the land-in-question, “supporting” M/s. Rupashi Bangla to run its hotel on the particular plot of land.

8. That apart, it is contended that if the petitioner is aggrieved by the order of eviction, the petitioner is at liberty to approach before the appellate authority under the said Act.

9. A perusal of the impugned order dated October 10, 2023 clearly shows that Rupashi Bangla, which is purported to be represented by the petitioner, was represented by a learned Advocate on the date of hearing, who had filed his Vakalatnama which was kept on the record.

10. Nothing in the order indicates that the objection as to short service of notice was taken before the said authority by Rupashi Bangla.

11. The petitioner, even in terms of the averments made in the writ petition, is a mere busybody, who does

not have any locus standi to challenge the impugned order.

12. Moreover, since the objection raised herein was never taken in connection with the notice before the first authority, the same cannot be opened up for the first time in the writ jurisdiction of this court.

13. That apart, the alleged objection, raised by the petitioner in writing as annexed at page-36 of the writ petition, is authored by someone else and not the petitioner and cannot be a basis of the arguments of the petitioner in any event.

14. In such view of the matter, WPA 25654 of 2023 is dismissed on contest without any order as to costs.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)