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**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

**WPA 4543 of 2023
(Specially Assigned)**

**Mirja Nasim Akhtar Beg & ors.
-Vs-
The State of West Bengal & Ors.**

Mr. Bhudeb Chatterjee
... for the petitioners

Affidavit of service filed on behalf of the petitioners
is taken on record.

This writ petition has been filed by the petitioners
under Article 226 of the Constitution of India challenging
the inaction on the part of the respondent authorities to
remove the unauthorised construction over the
Government plot of land.

The brief fact of the case is that the petitioners are
the owners of the land within plot nos.667 and 668 of
Mouza Majna situated within J.L. No.226 under Police
Station Contai within the district of Purba Medinipur. The
respondent nos.7 to 10 have erected iron fence on the
Government plot of land being Plot No.640 which lies
adjacent to the land of the petitioners and for such
obstruction the petitioners' egress and ingress to the
main road has been affected. The petitioners approached
the State authorities by making a representation on 16th
November, 2022 for removal of such unauthorised

fencing. Since no step has been taken, hence this writ petition.

Mr. Bhudeb Chatterjee, learned Advocate for the petitioners submits that appropriate order be passed for considering the representation of the petitioners dated 16th November, 2022 for removal of such unauthorised fencing.

None appears on behalf of the State-respondent.

Mr. Chandi Charan De, learned Additional Government Pleader along with his junior Mr. Anirban Sarkar, learned Advocate is requested to appear in this matter. Let the appointment of Mr. Chandi Charan De, learned Additional Government Pleader along with his junior Mr. Anirban Sarkar, learned Advocate, be regularised by the concerned authority.

Mr. Chandi Charan De, learned Additional Government Pleader submits that Sub-Divisional Officer is the appropriate authority under the West Bengal Public Land (Eviction of unauthorised occupants) Act, 1962 and direction may be passed upon such authority to consider the representation of the petitioners.

Having heard the learned Advocates for the respective parties, the respondent no.2, the Collector, Purba Medinipur and the District Magistrate, Purba Medinipur or any authority delegated under the West Bengal Public Land (Eviction of unauthorised occupants) Act, 1962 is directed to dispose of the representation of the petitioners dated 16th November, 2022 within a period

of three months from the date of communication of this order after giving opportunity of hearing to all the concerned parties including the petitioners by passing a reasoned order, in accordance with law.

The result of the disposal of such representation shall be communicated to the petitioners within a week thereof.

Petitioners are directed to communicate this order to the respondent no.2, the Collector, Purba Medinipur and the District Magistrate, Purba Medinipur.

Since no affidavit-in-opposition has been directed to be filed, the allegations made in the writ petition are deemed to be not admitted.

It is made clear that this Court has not gone into the merits of the writ petition.

With the above observations, this writ petition being **W.P.A.4543 of 2023** stands disposed of.

All connected applications, if any, stand disposed of.

Interim order, if any, stands vacated.

There shall be no order as to costs.

All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

Urgent photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(**Bivas Pattanayak, J.**)