

16.05.2024
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as

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri**

**MAT 208 of 2023
with
CAN 1 of 2023**

**Sri Sahadeb Paul & Ors.
Vs.
State of West Bengal & Ors.**

Mr. Amalesh Roy,
Mr. Deborshi Dhar,
Mr. Nigam Mittal.

...for the Appellants.

Mr. Subir Kr. Saha, ld. AGP,
Mr. Kumar Shantanu.

...for the State.

1. Appellants claim they have been carrying on business as stall holders on Government land. Respondent No.4, Cooch Behar Zilla Regulated Marketing Committee through its Secretary did not have authority to issue notices for their eviction. Learned Single Judge failed to consider this issue and dismissed the writ petition. Learned Advocate further submits that his clients being in settled possession cannot be evicted save and except by procedure established in law.
2. Learned Advocate for respondent-State submits that the appellants are unauthorized occupants and were called upon to vacate the land for construction of a market complex by the Marketing Committee.

3. We have gone through the annexures to the writ petition as well as the stay application. We are of the view that the appellants are in illegal possession of the land in question. Notices were issued by the respondent Marketing Committee upon them to vacate the land for construction of a market complex. Notices clarified that the appellants will be rehabilitated as per Government terms and conditions.

4. Learned Additional Government Pleader assures the Court that rehabilitation shall be done as per the assurance in the impugned notices.

5. In view of the aforesaid assurance, we are of the opinion appellants have no legal right to stand in the way of setting up of a Market Complex which is in public interest.

6. Under such circumstances, we find no merit in the appeal.

7. Accordingly, the appeal and the connected application are dismissed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)