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22.01.2025
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 621 of 2025

**Sri Avijit Dandapat & Ors.
-versus
The State of West Bengal & Ors.**

**Mr. Subhas Jana.
...For the Petitioners.**

**Mr. Raj Kumar Sain.
...For the Respondent
Nos. 7 to 10.**

**Mr. Chandi Charan De,
Mr. Anirban Sarkar.
...For the State.**

1. Affidavit-of-service filed in Court today is taken on record.

2. The order passed by the District Magistrate, Purba Medinipur on 24th December, 2024 under the West Bengal Public Land (Eviction of Unauthorized Occupants) Act, 1962 is impugned in the instant writ petition.

3. The petitioners submit that the District Magistrate is not the competent authority to decide the issue. The issue of jurisdiction was raised before the District Magistrate but without considering the same, the impugned order has been passed.

4. Learned advocate appearing on behalf of the District Magistrate, Purba Medinipur admits that the impugned order is a non-speaking one.

5. On a perusal of the same it appears that apart from observing that there are several encroachers

over the government land, the District Magistrate has not assigned any reason for directing the Sub-Divisional Officer to take steps for removal of the unauthorized encroachment. Especially, when an issue of jurisdiction of District Magistrate to decide the issue has been raised, the authority ought to have adjudicated the same and thereafter passed necessary order.

6. In view of the above, the order impugned is set aside being a non-speaking and cryptic one.

7. The competent authority is directed to decide the issue afresh strictly in accordance with law, at the earliest, but positively within a period of eight weeks from the date of communication of this order. An opportunity of hearing shall be granted to the parties for production of all documents in support of their respective stand.

8. A reasoned order shall be passed and communicated to the parties immediately thereafter.

9. The writ petition stands disposed of.

10. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)