

15.01.2025  
Item No.15  
AP

**WPA 646 of 2025**

**Rasida Bibi**  
**Vs.**  
**The State of West Bengal & Ors.**

Mr. Lakshmi Nath Bhattacharyya  
... for the Petitioner.

Ms. Tithi Paul  
... for the State.

Mr. Gazi Faruque Hossain  
Mr. Sk. Nizam Uddin  
Ms. Varsha Roy  
... For the Respondent Nos.5 to 10.

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

Report filed on behalf of the State and a copy of a document filed on behalf of the private respondents are also taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The private respondents had come up with an unauthorized construction on public land belonging to the Irrigation and Waterways Department near the petitioner's property. Accordingly, a representation dated 9<sup>th</sup> December, 2024 was made before the Executive Engineer of the Irrigation and Waterways Directorate, Purba Medinipur in this regard so that appropriate steps may be taken in terms of the West Bengal Public Land (Eviction of Unauthorized Occupants) Act, 1962.

Learned counsel appearing on behalf of the private respondents denies the allegations and submits as follows. The private respondents have not undertaken any construction, legal or illegal, on the public land in question. The private respondents have learnt that the Government, in fact, is making construction of an ICDS Centre at that particular place.

Learned counsel appearing on behalf of the State relies on the report and submits that a club named "All Star Club" is situated in the said plot. Additionally, an ICDS centre is under construction adjacent to the club. Enquiry revealed that sufficient land exists to allow ingress and egress for the petitioner to her plot.

It does not appear that the petitioner has made an appropriate application before the concerned Collector or the SDO seeking action under the Act of 1962.

In view of the above, the petitioner shall be at liberty to make an appropriate representation before the concerned authority within a fortnight. In such event, such representation shall be considered as expeditiously as possible by the concerned authority in accordance with law and upon hearing the interested parties.

With these observations, the writ petition is disposed of.

Since no affidavits have been called in the present writ petition, all allegations contained therein are deemed not to have been admitted by the parties.

It is made clear that the merits of the case had not been gone into.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

**(Jay Sengupta, J.)**