

**HIGH COURT AT CALCUTTA**  
**CONSTITUTIONAL WRIT JURISDICTION**

**Present:**

**THE HON'BLE JUSTICE JAY SENGUPTA**

**WPA 2640 of 2025**

**Biswanath Swarnakar and another**  
**versus**  
**The State of West Bengal and others**

**For the petitioners**

Mr. Samik Sarkar  
Mr. Subhajit Das

**For the State**

Mr. Sirsanya Bandopadhyay  
Mr. Ritesh Kumar Ganguly

**Heard on**

07.02.2025

**Judgment on**

07.02.2025

**JAY SENGUPTA, J:**

This is an application challenging the orders dated  
26.12.2024 and 20.01.2025 passed by the District Magistrate,  
Nadia.

Learned counsel appearing on behalf of the petitioners submits as follows. A proceeding was initiated against the petitioners for their eviction from the land occupied by them under the provisions of the West Bengal Public Land (Eviction of Unauthorised Occupants) Act, 1962. The petitioners' case was not properly considered by the Sub-Divisional Magistrate, Tehatta in the proceeding under Section 4 of the said Act. In fact, the BL&LRO's report was fallacious. On the top of it, the appellate order passed by the Collector, Nadia in terms of Section 7 of the said Act is absolutely non-speaking. It does not deal either with the questions of law or fact as raised by the appellant.

Learned counsel for the State denies the allegations and submits as follows. This is a very old matter. In the earlier round of litigation, certain orders passed by the authorities were corrected by this Court. The order passed by the Sub-Divisional Magistrate is well reasoned and based on a thorough report submitted by the BL&LRO. It was for the concerned Collector to see whether the order was passed in a proper manner. He has found it to be so.

It appears that the concerned Collector has disposed of the petitioners' appeal with the simple finding that the order of the Sub-Divisional Magistrate, Tehatta was passed in compliance with the existing provisions of the 1962 Act. This is not the

manner in which one can dispose of an appeal under Section 7 of the 1962 Act. It is a patently non-speaking order. It does not specifically deal either with the provisions of law or questions of fact.

In view of the above, the impugned orders are set aside and the matter is remanded back to the Collector, Nadia to decide the matter afresh, in accordance with law and after hearing the concerned parties and by passing a reasoned order.

Let the entire exercise be completed within eight weeks from the date of communication of this order.

Accordingly, the writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties expeditiously, if applied for.

**( Jay Sengupta, J. )**