

24-06-2025
Item No.12
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.2803 of 2024
Mohitosh Samanta @ Mohit Samanta
-vs-
The State of West Bengal & Ors.

Mr. Sakya Maity
Mr. Subhas Jana ...for the petitioner

Ms. Jyotsna Roy Mukherjee ...for the State

1. Perused the report filed by the Assistant Engineer, Tamluk Highway Sub-Division, Public Works (Roads) Directorate dated June 18, 2025.
2. The petitioner, aggrieved by the notice issued under section 10(1) of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, challenged the same in the instant writ petition.
3. From the report it appears that the petitioner submitted to the jurisdiction of the concerned authority and participated in the hearing process. A final order was passed by the authority and being aggrieved by the same, the petitioner preferred an appeal before the District Magistrate, Purba Medinipur under section 10(4) of the 1971 Act being Appeal Case No.08/2025 on April 11, 2025 and the same is pending consideration.
4. As it appears that the petitioner himself has proceeded to respond to the notice under section 10(1) of the 1971 Act and then participated in the hearing process and thereafter challenged the order passed by the competent authority in an

appeal under section 10(4) of the Act, accordingly, going back to the stage of section 10(1) may not be proper.

5. As the appeal is pending consideration, accordingly, it will be open for the petitioner to urge all points before the appellate forum.
6. The writ petition stands disposed of.
7. All parties are to act on the server copy of this order duly downloaded from the official website of this court.
8. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]