

M/L 3
07.07.2025
Court No.17
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 4456 of 2024

Sabitri Mahata & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Lalratan Mandal
Mr. Dilip Kumar Sadhu

...for the Petitioners.

Mr. Srinath Singha Roy

...for the State.

Mr. Salil Kumar Maiti
Ms. Dolan Samanta

...for the Respondent No.8.

Affidavit of service filed on behalf of the petitioners in Court today be kept with the record.

The L.R. Plot No.34 under Mouja- Ghoralata having L.R. Khatian No.146/1, J.L. No.62, District: Paschim Medinipur comprised of 83 decimal of land was vested to State, out of which a portion was settled in favour of the private respondent no.8.

The petitioners are alleging that the respondent no.8 in excess of his settled land has encroached upon other portion of the said vested plot which the villagers are using as path way. The petitioners with the said allegation have given a representation dated January 19, 2024 to the Sub Divisional Officer, Medinipur Sadar, the respondent no.3 herein praying removal of such encroachment. The said representation forms part of the writ petition being Annexure-P/5. The petitioners are praying a direction upon the respondent no.3 for disposal of the said representation.

The portion of the subject plot *prima facie* appears to be a public land.

The respondent no.3 therefore under the provision of the West Bengal Land (Eviction of Unauthorized Occupants) Act, 1962 is obliged to remove the encroachments, if there be any, on such public land. The said respondent is therefore directed to dispose of the representation of the petitioners in accordance with law, after giving the petitioners, the private respondent and all concerned an opportunity of hearing.

It is expected that the said respondent shall complete his drill in this regard within a reasonable time, preferably within a period of eight weeks from the date of communication of this order.

WPA 4456 of 2024 is thus disposed of without any order as to costs.

Since no affidavit has been invited, the allegations made in the writ petition are deemed to have been denied by the respondents.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)