

10-03-2025
Item No.2
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.5245 of 2025

Samir Das & Ors.

-vs-

The State of West Bengal & Ors.

Mr. Sandip Chakraborty
Mr. Moyukh Mukherjee
Mr. Kaustav Das ...for the petitioners

Mr. Mrinal Kanti Ghosh
Mr. Debasish Chattopadhyay ...for the State

Mr. Sharanya Chatterjee ...for ADDA

1. The writ petition has been filed by six petitioners claiming to be running business dealing with vegetables at Dakshin Pally, Mamra Bazar, Durgapur for the last thirty years following trade licence issued by the competent authority. They apprehend that the Asansol-Durgapur Development Authority (ADDA) may take steps to evict them from their place of business without following the due process of law.
2. It has been alleged that their shop rooms have been identified and that immediate steps for eviction may be taken by the authority without issuing any formal notice of eviction under the required provision of law.
3. It has also been submitted that a complaint was filed before the Chairman and Chief Executive Officer of ADDA on February 21, 2025, but there is no response to the same.

4. Prayer has been made to direct ADDA not to take any coercive step against their shop rooms devoid the provision of law.
5. Learned counsel for ADDA submits that the writ petition is liable to be dismissed as the same has been filed only on mere apprehension. According to him, ADDA has not yet taken any steps for eviction of the petitioners. It is submitted that the process of identification of shops is on and that the authority will certainly take steps in accordance with law.
6. Upon hearing the respective submissions made on behalf of the parties, it appears that the petitioners are yet to receive any notice from the authority as notices are yet to be prepared by the authority. The authority is only at a very preliminary stage of identification of structures which may have been constructed illegally over public land.
7. Hence, the instant writ petition is disposed of with the observations that ADDA may take steps to remove the unauthorized occupants from public premises but the same shall be strictly in accordance with the provisions of law.
8. All parties are to act on the server copy of this order duly downloaded from the official website of this court.
9. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

