

D/L 09
24.03.2025
Court No.14
PRADIP

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 6538 of 2025

Milan Mondal
Vs.
The State of West Bengal & Ors.

Mr. Sanjay Saha

...for the Petitioner.

Mr. Biswabrata Basu Mallick, Ld. AGP
Mr. Sayan Ganguly

...for the State.

Mr. Dilip Kumar Maiti

...for the Respondent no. 11.

1. Affidavit of service filed in Court today is taken on record.
2. Report filed by the Officer-in-Charge, Sagarpara Police Station dated 24th March, 2025 is taken on record.
3. The petitioner is aggrieved by the order dated 6th February, 2025 passed by the Sub-Divisional Magistrate directing removal of the illegal encroachment.
4. Learned advocate for the petitioner submits that, in the earlier writ petition being **WPA 24794 of 2024** filed by the petitioner the Court vide order dated **26th November, 2024** directed the authority to consider his prayer for providing alternate space so that he could run his business for earning his livelihood.
5. The petitioner submits that, as the prayer of the petitioner is still under consideration, the authority ought not to direct him to remove his stall immediately.

6. Prayer has been made to direct the authority to stay the process of removal till his prayer for alternate space is considered.
7. Learned advocate representing the State submits that, the petitioner does not have any legal right to run the business from the government land without any permission.
8. It appears from the submission made on behalf of the parties and on perusal of the material on records that, the petitioner does not have any legal right to run business from the government plot of land.
9. Order passed by the Sub-Divisional Magistrate directing removal of the petitioner's shop room, does not suffer from any irregularity and/or infirmity. The same is not interfered with.
10. However, the prayer of the petitioner seeking alternate space for running business which is pending consideration before the authority is directed to be disposed of at the earliest, but positively within a period of eight weeks from the date of communication of this order.
11. The writ petition stands disposed of.
12. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all the requisite formalities.

(Amrita Sinha, J.)