

S/L 3
03.04.2025
Court No.17
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 7033 of 2025

Dalim Rao & Anr.

Vs.

The State of West Bengal & Ors.

Mr. Golam Mastafa
Mr. Tarasankar Samanta
Mr. K.A. Iqbal

...for the Petitioners.

Mr. Rajat Dutta
Mr. Arindam Mitra

...for the State.

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

The petitioner no.1 was a sweeper of Bagnan Rural Hospital; on attaining the age of superannuation, she has retired from her said service on July 31, 2022.

The petitioner no.1, as a part of her service condition, was provided with an official quarter; after retirement, she was requested to vacate the said quarter but she did not.

The authority has initiated an eviction proceeding against the petitioner no.1 under the provisions of the Public Land (Eviction of Unauthorized Occupants) Act, 1962 which is preceded by a notice under Section 3(2) thereof.

The petitioners have challenged a notice bearing No. 43/LM/2024 dated February 20, 2025 whereby the Sub Divisional Officer, Uluberia, District: Howrah, the respondent no.6 herein, has instructed the Block Development Officer, Bagnan-I, District: Howrah to circulate the notice regarding the date of hearing of the said eviction proceeding.

Mr. Mastafa, learned advocate for the petitioners submits that the petitioner no.2 is the son of the petitioner no.1; he is also a sweeper of the said hospital and is holding the said quarter as such; therefore, the petitioners are not unauthorized occupants of the said quarter.

However, the petitioner no.1 is contesting the said eviction proceeding.

Mr. Rajat Datta, learned advocate for the State submits that the contractor assigned with the job of cleaning the hospital has engaged the petitioner no.2 as a sweeper of the hospital on contractual basis; therefore, the petitioner no.2 is not entitled to hold the said quarter as an employee of the *Health Department*.

Heard learned advocate(s) for the parties, perused the materials-on-record.

In view of the contractual nature of employment of the petitioner no.2, the hospital is not bound to provide official accommodation to him. However, the challenge to the impugned notice is misconceived inasmuch as by the said notice, the date of hearing of the said proceeding has been circulated; moreover, the petitioner no.1 has participated in the said proceeding.

It is open for the petitioner no.1 to contest the said proceeding with all defences available to her under the law.

In view of the discussion made above, WPA 7033 of 2025 is dismissed without any order as to costs.

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 of all requisite formalities.

(Biswajit Basu, J.)