

16.04.2025
(D/L 08)
Ct.-17
(Susanta
Samar)

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION**

APPELLATE SIDE

W.P.A. 7504 of 2025

Murshidabad Gopalnagar Samaj Kalyan
Samity & Anr.

-Vs-

The District Magistrate, Murshidabad & Ors.

Mr. Soumya Majumder, Sr. Adv.,

Mr. Sandip Sarkar,

Mr. Arjun Samanta,

.... For the Petitioners.

Mr. Sk. Md. Galib, Sr. Govt. Adv.,

Mr. Alok Banerjee,

.... For the State.

Affidavit-of-service filed on behalf of the
petitioners be kept with the record.

The petitioners are challenging a notice
under Section 4 of the Public Land (Eviction of
Unauthorized Occupants) Act, 1962.

Mr. Majumder, learned senior advocate for
the petitioners submits that the subject land is
not a Public Land as defined under the said Act
of 1962; as such, the proceeding is not
maintainable.

The challenge to the said notice is
prematured; it is always open for the petitioners
to take all defence(s) available under the law in
the said proceeding; however, the Sub Divisional
Magistrate, Berhampore, District: Murshidabad,
the respondent no.2 herein, is obliged to
determine the issue regarding the nature of the
subject land, as urged by Mr. Majumder first as

the same would decide the maintainability of the said eviction proceeding.

W.P.A. 7504 of 2025 is disposed of with the above terms 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 with all requisite formalities.

(Biswajit Basu, J.)