

23.04.2025
Sl. No.65
Ct.3/ tkm

W.P.A. 7016 of 2025
[Sumanta Das & Ors. vs. State of West Bengal & Ors.]

Mr. Sandip Chakraborty
Mr. Moyukh Mukherjee
Mr. Kaustav Das

... .. for the petitioners

Mr. Sharanya Chatterjee
Mr. Saptak Naskar

... .. for the respondent nos. 3 & 4

Ms. Jhuma Chakraborty
Ms. Munmun Tewary

... .. for the State

1. Affidavit of service is taken on record.
2. The petitioners in the present writ petition are challenging the e-tender notice dated 28.2.2025 issued by the respondent for improving and widening Mamra bazaar main road from parallel road to JL avenue within DMC area, Durgapur, Paschim Bardhaman.
3. The petitioners contend that their shops are located in the area where the respondent, Asansol Durgapur Development Authority (hereinafter referred to as 'ADDA'), intends to widen the road. The shops have been in existence for the past 40 years. However, the petitioners allege that ADDA is attempting to evict them from the said premises without following due process of law.

4. It is submitted on behalf of the petitioners that the respondent ADDA had previously attempted to evict the shop owners by issuing notices. One of the shop owners challenged this action before this Court in Writ Petition No. WPA 3241 of 2023, wherein this Court, by order dated 16.02.2023, quashed the impugned notice while granting liberty to the respondent ADDA to proceed in accordance with law. Subsequently, the respondent ADDA issued another eviction notice, which was also quashed by this Court in WPA 16749 of 2024, by order dated 03.07.2024, again granting liberty to the respondent ADDA to act in accordance with the provisions of law.
5. Learned counsel points out that the order dated 10.3.2025 passed by this court in writ petition no. WPA 5245 of 2025 wherein this court had disposed of the said petition with the observation that the respondent ADDA is entitled to remove the unauthorized occupants from the public premises but strictly in accordance with law.
6. Now, the petitioners are apprehending that the respondent ADDA is going to evict them from the said shop without following the due process of law as they have already issued e-tender for widening the road.

7. It is further submitted that the said widening of the road cannot be carried out without evicting the petitioners.
8. This Court has heard the arguments advanced by the learned counsel for the petitioners and has perused the documents on record. Admittedly, the petitioners are occupying public land belonging to the respondent, ADDA, without authorization. The respondent, ADDA, is well within its rights to evict unauthorized occupants from the said site, but only after following the due process of law. In the present case, the respondent, ADDA, has issued an e-tender for road widening. It is the apprehension of the petitioners that the said tender will lead to their eviction. Since the petitioners are unauthorized encroachers on public land, the respondent, ADDA, may proceed with eviction, but only in accordance with the due process of law, as laid down in various orders passed by this Court.
9. As of today, no notice has been issued to the petitioners to vacate their shops. Hence, this court is of the considered view that the present writ petition is premature.
10. This Court directs the respondent, ADDA, to ensure that the eviction of unauthorized

occupants from the land is carried out strictly in accordance with the law.

11. With the above observation present writ petition is disposed of.

(Gaurang Kanth, J.)