

30-07-2025
Item No.27
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.7989 of 2025

Ashok Das & Ors.

-vs-

State of West Bengal & Ors.

Mr. Balai Lal Sahoo
Mr. Aswini Kumar Bera
Mr. Debnarayan Patra
Mr. Arijit Bera ...for the petitioners

Mr. Suddhadev Adak
Ms. Arpita Mondal ...for the State

1. Leave is granted to the petitioner to file the supplementary affidavit. Copy of the same has been handed over to the learned counsel for the State in Court.
2. The petitioner is aggrieved by the order passed by the Sub-Divisional Magistrate & Sub-Divisional Officer, Kharagpur directing removal of the petitioners from plots no.408 and 409 under the provisions of the West Bengal Highways Act, 1964.
3. Challenging the same the petitioners preferred an appeal before the District Magistrate. During pendency of the appeal, steps were taken for removal of the petitioners as they were held to be unauthorized occupants.
4. The District Magistrate disposed of the appeal vide order dated June 23, 2025 by holding that the SDO could not have passed the order under the provisions of the West Bengal Highways Act,

1964. The District Magistrate directed the BL & LRO to demarcate the plots no.408 and 409 and sent a detailed sketch to the office of the SDM & SDO, Kharagpur. The said officer was directed to deal with the matter under the provisions of the West Bengal Public Land (Eviction of Unauthorised Occupants) Act, 1962 and take necessary steps thereunder.

5. The Superintendent, Debra Super Specialty Hospital, Superintendent/Officer-in-Charge, Debra Sericulture Division Industrial Training Institute were directed to contact SDM & SDO, Kharagpur and make suitable arrangement to protect the land by construction of boundary wall by evicting the encroachers in such a manner that the same is not encroached again.
6. The petitioners submit that as the order pursuant to which the petitioners were evicted from the subject plots has been set aside by the appellate authority, accordingly, as a consequence, the petitioners should be put back in possession of the said land.
7. From documents annexed to the writ petition, it appears that a process to demarcate the subject plots was conducted and the report of demarcation dated December 10, 2024 specifically mentions that the petitioners are unauthorized occupants of the aforesaid plots. The SDM & SDO took steps under the 1964 Act and made the land encroachment free by removing the petitioners therefrom.
8. Admittedly, the petitioners do not have any right to occupy the subject plots. The District Magistrate has already directed the SDM & SDO to take necessary steps under the provisions of

the West Bengal Public Land (Eviction of Unauthorised Occupants) Act, 1962. The SDO shall take necessary steps in this regard.

9. The prayer of the petitioners for putting them back in possession despite there being a specific finding that the petitioners are unauthorized occupants cannot be allowed. The petitioners are unable to produce any documents in support of their valid occupancy of the subject plots.
10. The writ petition, accordingly, fails and is hereby dismissed.
11. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
12. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

