

23.04.2025
(D/L 20)
Ct.-17
(Susanta
Samar)

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

APPELLATE SIDE

W.P.A. 8437 of 2025

Arunabha Naskar

-Vs-

The State of West Bengal & Ors.

Mr. Pankaj Halder,
Mr. Tapas Manna,

.... For the Petitioner.

Mr. Amitabrata Roy,
Mr. Shibasis Banerjee,

.... For the State.

Mr. Prabir Maji,

.... For the Respondent Nos. 7-8.

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

The petitioner, by a writ petition being WPA
6509 of 2024 had alleged that the private
respondent nos. 7 and 8 have encroached upon
the land belonging to the Public Works
Department and had prayed for removal of such
encroachment.

The learned Single Judge of this Court had
disposed of the said writ petition by directing the
concerned authority to consider the said
allegation of the petitioner.

The respondent nos. 7 & 8 had preferred an
appeal against the said order being FMA No. 102
of 2025 but the same was dismissed.

The Assistant Engineer, Lakshmikantapur
Highway Sub-Division Public Works(Roads)

Directorate, District 24-Parganas (South) by a reasoned order dated March 19, 2025 had disposed of the said direction holding that the subject land is recorded in the name of Irrigation Department, Government of West Bengal so the said department is the concerned authority to take action and to remove the unauthorized encroachments from the Government land.

The petitioner is praying that the concerned authorities of the said Irrigation Department may be directed to take appropriate action under the provisions of the West Bengal Public Land (Eviction of Unauthorised Occupants) Act, 1962.

Mr. Maji, learned advocate for the respondent nos. 7 & 8 submits that his clients are in possession of the subject land by permission of the concerned authority and on the strength of title.

Learned Advocate for the State submits that the Sub-Divisional Officer, Irrigation and Waterways Department, Raidighi, District 24-Parganas (South), the respondent no. 4 herein, has transmitted all papers relating to the matter to the Sub-Divisional Officer, Dimonad Harbour District 24-Pargans (South), the respondent no. 3 herein.

The respondent no.3 is directed to dispose of the said pending issue in accordance with law

after giving to the petitioner and all other concerned persons including the private respondent nos. 7 & 8 an opportunity of hearing.

W.P.A. 8437 of 2025 is disposed of with the above terms without any order as to costs.

No affidavit since has been invited, the allegations made in the writ petition are deemed to have been denied by the respondents.

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.)