

23.04.2025
Item No.24, DL
Court No.17
AJ.

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

W.P.A. 8842 of 2025

Pradip Sardar

-Vs-

The State of West Bengal & Ors.

Mr. Pankaj Halder,
Mr. Tapas Manna.for the petitioner.
Mr. Susanta Pal,
Ms. Ananya Neogi.for the State.

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

A notice under Section 3 of the West Bengal Public Land (Eviction of Unauthorized Occupants) Act, 1962 dated April 07, 2025 is under challenge.

The Collector under the said Act of 1962, District- 24-Parganas (South), the respondent no. 2 herein, in compliance with the direction of the co-ordinate Bench of this Court dated January 13, 2025 passed in WPA 27471 of 2023, has issued the said notice.

Mr. Halder, learned Advocate for the petitioner submits that notice is defective since it is not in conformity with the provisions of the said Act of 1962 inasmuch as it has not provided any opportunity to the petitioner to file a reply to the said notice.

Challenge to the said notice is pre-matured, the petitioner is at liberty to take all points available under the law in his defence in the said proceeding, the respondent no.3 is obliged to provide opportunity of hearing to the petitioner and all other concerned persons before taking a final decision under Section 4 of the said Act of 1962.

WPA 8842 of 2025 is disposed of with the above observations 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.

Urgent Photostat certified copies of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)