

09.06.2025
Item No.4, ML
Court No.17
AJ.

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

W.P.A. 8937 of 2025

Amiya Sarkar

-Vs-

The State of West Bengal & Ors.

Mr. Atis Kumar Biswas,
Mr. Amit Singh,
Mrs. Jyoti Agarwal.
.....for the petitioner.

Mr. Biswabrata Basu Mallick, Ld. A.G.P.,
....for the State.

Ms. Shalini Bairagi,
Mr. Golam Nure Imrohi.
....for the respondent no.8.

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

In compliance with a direction dated
September 06, 2023 passed by a Co-ordinate
Bench of this Court in WPA 13584 of 2023, the
Sub-Divisional Officer, Tehatta Sub-Division,
District : Nadia, the respondent no.3 herein, on
August 28, 2024 and on October 29, 2024 had
passed orders of eviction under Section 4 of the
West Bengal Public Land (Eviction of
Unauthorized Occupants) Act, 1962. The
petitioner is praying that the said orders be
implemented.

Mr. Biswas, learned Advocate for the
petitioner submits that during the pendency of
the writ petition, in execution of the said orders

though the unauthorized construction on the Public Land have been demolished but the encroachments thereof are yet to be, he prays that such encroachments be also removed.

Learned Advocate for the respondent no.8 submits that her client, against the said orders of eviction has preferred an appeal under Section 7 of the said Act of 1962 and the said appeal is pending.

Pendency of the appeal would not automatically operate as stay; therefore, in the absence of any specific order of stay, the respondent no.3 is obliged to implement and execute the said orders in its true purport and spirit.

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

WPA 8937 of 2025 is disposed of with the above observations without any order as to costs.

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.)