

N.22Sl

WPA 9789 of 2025

151/CL
27.11.25
Sl-312
Ct.551
(S.R.)

Sk. Jaber

v.

The State of West Bengal & Ors.

Mr. Shahan Shah
Mr. Umenun Khan ... for the petitioner.

Mr. Lalit Mohan Mahata
Mr. Prasanta Behari Mahata
... for the State.

Mr. Ramashis Mukherjee
Mr. Rameshwar Sinha
Ms. Munmun Mondal ... for the respondent no.8.

1. The petitioner seeks issuance of a writ of mandamus commanding the respondent State authorities to remove unauthorized occupants from *“government land lying and situated just in front of the land of the petitioner being L.R. Plot No.538/1942 under Mouza – Madhyahingli, J.L. No.145, measuring about 06 decimal, Police Station – Mahishadal, District – Purba Medinipur, West Bengal”*
2. Learned advocate appearing for the petitioner invites attention of this Court to a representation made before the Sub-divisional Officer, Haldia on February 25, 2025 and submits that no action has been taken on the petitioner’s representation as yet.
3. The private respondent is represented. It is

submitted by the private respondent that the private respondent has neither encroached upon nor is in illegal or unauthorized occupation of any land owned by the government as alleged by the petitioner.

4. Heard learned Advocates appearing for the respective parties and considered the material on record.
5. The question as to whether the petitioner's representation has merit or as to whether the private respondent is in unauthorized occupation of any government land or not is ultimately to be decided by the relevant Sub-divisional Magistrate in terms of the provisions of the West Bengal Public Land (Eviction of Unauthorized Occupants), Act, 1962 (hereinafter referred to as the 'said Act of 1962').
6. In such view of the matter, since a representation dated February 25, 2025 has been made by the petitioner to the Sub-divisional Officer, it would be appropriate for the Sub-divisional Officer, Haldia to consider the petitioner's representation and dispose of the same, in accordance with law.
7. Accordingly, the Sub-divisional Officer, Haldia being the respondent no.3 herein is directed to consider the dispose of the petitioner's representation dated February 25, 2025 (Annexure P-3 at pages 28 and

29 of the writ petition), by passing a reasoned order within a period of eight weeks from the date of communication of the order, upon affording an opportunity of hearing to all the interested parties including the respondent no. 8 herein.

8. It is needless to mention that the reasoned order passed by the respondent no. 3 within the aforesaid time frame shall be communicated to all the parties within one week from the date of passing thereof.
9. It is made clear that this Court has not gone into the merits of the case and all points are left open to be decided by the respondent no.3 strictly, in accordance with law.
10. Since Affidavits have not been invited the allegations made in this writ petition shall be deemed not to have been admitted by the respondents.
11. WPA 9789 of 2025 stands disposed of with the above observations. No costs.
12. Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

(Om Narayan Rai, J.)