

Court No. 551
(266306)

18.12.2025
(AD 579)
(S. Banerjee)

WPA 10451 of 2025

Brindaban Maiti
Vs.
State of West Bengal & Ors.

Mr. Timir Baran Saha
Mr. Aninda Bhattacharya
Mr. S. Sarkar
Mr. K. P. Santra

...for the petitioner

Mr. Biswajit Dey
Mr. Priyabrata Ghosh

...for the State

1. Affidavit of service filed in Court today, is taken on record.
2. None appears for the private-respondents.
3. It is submitted by the learned advocate appearing for the petitioner that service upon the private-respondents is complete.
4. This writ petition is directed against the inaction of the Sub Divisional Officer and Sub Divisional Magistrate, Tamluk in implementing an order dated February 20, 2025 passed by the Sub Divisional Magistrate, Tamluk itself in a proceeding initiated under Section 3 of the West Bengal Public Land (Eviction of Unauthorised Occupants) Act, 1962.

5. By the order dated February 20, 2025 the Sub Divisional Magistrate, Tamluk held as follows:

“... Hence, in terms of section 5(1) of West Bengal Public Land (Eviction of Unauthorized Occupants) Act, 1962, the Sub-Divisional Magistrate, Tamluk, Purba Medinipur do hereby direct all encroachers to remove their encroachment over the Govt. land within 15(fifteen) days from receipt the order, failing which action will be taken as per the provision of the said Act.

Accordingly the Head Teacher, Bhogpur Board Pry. School, Bhogpur, Purba Medinipur is authorized to demolish the illegal construction after 15 (fifteen) days from the receipt of this order and recover the cost of such demolition from the encroachers also directed to submit the demolition report after demolish the illegal construction to the undersigned.

The Officer-in-charge, Kolaghat Police Station shall render all necessary and lawful assistance as per requirement of the Authorized Person in this regard and You are hereby directed to serve the notice upon the parties in sl. Nos. 1 to 20 of the enclosed order sheet and send S/R to the Office of the Sub-Divisional Magistrate, Tamluk, Purba Medinipur on or before 07.03.2025 positively.”

6. Upon the said order being passed, the petitioner applied to the Officer-in-Charge, Kolaghat Police Station on March 20, 2025 seeking police assistance for the purpose of implementation of the said order dated February 20, 2025. Despite such application, no assistance has been provided to the petitioner and as such the order dated

February 20, 2025 passed by the said Sub Divisional Magistrate, Tamluk remains unimplemented till date. It is under such circumstance that the petitioner has approached this Court by way of the present writ petition.

7. Learned advocate appearing for the State-respondents initially sought to defend the inaction on the part of the Sub Divisional Magistrate, Tamluk by submitting that the exercise of demolition ought to have been undertaken by the petitioner himself but, upon it being pointed out that the petitioner had in fact applied to the relevant jurisdictional police authorities seeking assistance for implementation of the order passed by the Sub Divisional Magistrate, Tamluk, the learned advocate appearing for the State-respondents found little scope to offer any further resistance to the writ petition.
8. It has not been brought to the notice of the Court that the order dated February 20, 2025 passed by the Sub Divisional Magistrate, Tamluk has either been set aside or stayed by the appellate authority.
9. Since it is not the case of the State-respondents that the said order dated February 20, 2025 has been either stayed or set aside in appeal or by any higher authority, it has to be taken that the said order dated February 20, 2025 still subsists. In

such view of the matter, there is no reason for the said order to be not implemented and not executed.

10. Accordingly, the respondent nos. 5, 6 and 10 are directed to take appropriate steps so that the order dated February 20, 2025 passed by the Sub Divisional Magistrate, Tamluk in terms of Section 5(1) of the West Bengal Public Land (Eviction of Unauthorized Occupants) Act, 1962 is executed and implemented as expeditiously as possible, preferably within a period of two weeks from the date of communication of this order.
11. WPA 10451 of 2025 stands disposed of with the above observations.

(Om Narayan Rai, J.)