

Court No. 8
22.09.2025
Item No.42
PA (Chamber)

WPA (P) No. 392 of 2025

Atindranath Chatterjee (In Person)
VS
State of West Bengal & Ors.

Mr. Atindranath Chatterjee
... Petitioner (In Person)

Mr. Sk. Md. Galib, Sr. Govt. Adv.
Ms. Sujata Mukherjee
...for the State Respondents

Dictated by Smita Das De, J.

1. Heard Mr. Atindranath Chatterjee (In Person) appearing on behalf of the petitioner as well as Mr. Sk. Md. Galib Senior Advocate, appearing on behalf of the State.

2. The instant writ petition has been filed in the nature of PIL by the petitioner praying inter alia for the following relief(s):-

“(a) A writ of/in the nature of Mandamus directing the Respondents No.3 including its men, agents, assigns and subordinates, to immediately initiate proceedings for eviction of the stranger from the Government Premises being flat no. L-16 of Sagarbhanga LIG Housing Estate at Durgapur and take over vacant possession of the flat and marshal up the flat to the pool of the vacant flats to cater to applicants who are standing in the queue for a long time anxiously waiting for allotment of the flats in their favour.

(b) A writ of/in the nature of Mandamus directing the Respondent No. 4 including its men, agents,

assigns and subordinates, to initiate legal proceedings, including initiating a criminal action by registration of an FIR, against the stranger who is in unauthorized occupation of L-16 of Sagarbhanga LIG Housing Estate.

(C) A writ of/in the nature of Certiorari directing the Respondent No. 3 to transmit and authenticate the records of this case to this Hon'ble Court so that conscionable Justice may be administered.

(d) Rule NISI in terms of the prayers (a) to (c) above and to hear the parties and make the Rule absolute if no cause or no sufficient cause is shown by the concerned Respondent.

(e) Ad-interim order in terms of the prayers (a) to (d) above.

(f) Costs and incidentals of this application.

(g) Such further and/or other orders and/or such further and/or other directions as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

3. In a nut shell the main grievance of the petitioner is with regard to the non consideration of a request dated 01.08.2025 made before the respondent No. 3. The issue involved herein is the eviction of an unauthorized occupant from Flat No. L-16 Sagarbhanga LIG who has been still occupying the flat in question despite being served with a 'Notice to Vacate' vide Memo no. 1708 dated 15.02.2017.

4. The learned counsel for the respondent vehemently opposes and takes the point of maintainability and submits that 'Notice to Vacate'

has already been issued to the unauthorized occupant.

5. The petitioner in person submits that the representation made before the Respondent No.3 on 1.8.25 remains unanswered and have been sitting tight over the issue since 2017.

6. In view of the above, the petitioner appearing (in-person) is directed to make a further representation before the Respondent No. 2 within a fortnight from the date of the said order. The respondent no.3 shall consider the representation dated 1.8.25 by taking the assistance of the respondent No. 2 to decide both the representations within a period of 60 days by passing a reasoned order upon affording opportunity hearing to the interested parties and communicate the same thereafter.

7. It is needless to mention, that during the hearing if there is any element of irregularity found, the authorities concerned should take appropriate steps in accordance with law.

8. Henceforth, in future the Respondent Nos. 2 & 3 shall be vigilant enough to take appropriate steps forthwith in accordance with law in respect of those cases wherein person/persons not being a tenant are occupying or remains in occupation of any flats unauthorisedly.

9. The instant PIL is disposed of without going into the merits of the case.

(SUJOY PAUL, J)

(SMITA DAS DE, J.)