

S/L 12
26.09.2025
Court. No. 19
Suwayan

WPA 23379 of 2025

Subrata Malakar
Vs.
The State of West Bengal & Ors.

Mr. Nikhil Kr. Gupta
Ms. Laboni Bar

...for the petitioner.

Mr. Dwarikanath Mukherjee
Mr. Manik Lal De

...for the State.

1. The subject of the instant writ petition is the order dated 11.09.2025 as passed by the Sub-Divisional Magistrate, Berhampore Sadar, Murshidabad who even has not been party in the instant writ petition.
2. On perusal of the order under challenge it reveals that the said order is in the nature of eviction against which an appeal lies under Section 7 of the West Bengal Public Land (Eviction of Unauthorized Occupants) Act, 1962 (hereinafter referred to as the 'said Act' in short).
3. In view of the availability of the alternative statutory efficacious remedy and in absence of any case as made out by the writ petitioner for invoking high prerogative writ jurisdiction of this Court showing that the order impugned has been passed by an authority who has no power to pass such an order and the principle of natural justice has been violated while passing the said order under challenge, this Court finds no reason at all to entertain the instant writ petition.
4. With the aforementioned observation, WPA 23379 of 2025 is hereby dismissed.

5. However, there shall be no order as to costs.
6. Urgent Xerox certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Partha Sarathi Sen, J.)