

S/L 4
11.11.2025
Court. No. 25
suvayan

WPA 24146 of 2025

Sri Ratan Jana & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Tarapada Das

...for the petitioners.

Mr. Biplab Guha
Ms. Molly Saha

...for the State.

1. The affidavit-of-service as filed by the learned counsel for the petitioners is taken on record.
2. The report submitted by the State is also kept with the record.
3. The petitioners being aggrieved and dissatisfied with the order passed by the Sub-Divisional Magistrate, Egra dated 28.12.2022 and the order passed by the District Magistrate, Purba Medinipur dated 21.11.2024 has preferred the writ petition.
4. The order passed by the Sub-Divisional Officer reads as follows:

“The matter is taken up for hearing today. Ld. Advocate of the petitioner is present and OP present. OP submitted written objection, which is adjudged by this court as not sufficient to grant further plea to the OP. OP’s plea is not allowed by this Court. After hearing all the parties and after careful perusal of the available documents and records it is directed to the Asstt. Engineer, Tamruk Highway Sub-Division P.W. (Roads) Deptt. to recover the possession and remove the encroachment and deliver possession of the land encroachment upon to the Highway Authority or

such officer of the respondent within 30 (Thirty) days after receiving this letter and send compliance report to this court.

Officer-in-Charge, Patashpur Police Station is directed to provide all sorts of assistance for enforcement of this order.”

5. Consider the impugned order passed by the Sub-Divisional Officer, this Court finds that it is recorded that the Sub-Divisional Officer has considered the documents and records and directed the Assistant Engineer, Tamluk to recover the possession and to remove the encroachment. The Sub-Divisional Officer has not mentioned what are the document and record are available with the Sub-Divisional Officer from which the Sub-Divisional Officer has satisfied that the petitioners should be evicted from the Government land.
6. This Court also did not find that any report has been called for or any report has been supplied to the petitioners so that the petitioners get an opportunity to deal with the report only by one paragraph the Sub-Divisional Officer has passed an order for eviction. The appellate authority by an order dated 21.11.2024 has also did not consider what are the documents were available before the Sub-Divisional Officer or whether any documents produced before the appellate authority at the time of hearing of the appeal.
7. Considering the above, this Court finds that the Sub-Divisional Officer as well as the appellate authority have passed the impugned order in a casual manner without following the due process of law and without giving an

opportunity of hearing with regard to the document which the authorities are relied upon and has not been supplied to the petitioners.

8. In view of the above, the order passed by the Sub-Divisional Officer dated 28.12.2022 and the appellate authority dated 21.11.2024 are set aside and quashed. The matter is remanded back to the Sub-Divisional Officer to hear the petitioners afresh and if the Sub-Divisional Officer is relying upon any documents or any report, the same shall be served upon the petitioners.
9. The petitioners are at liberty to deal with the report and after hearing the petitioners and the effected parties to pass a reasoned and speaking order within a period of eight weeks from the date of receipt of this order.
10. Accordingly, WPA 24146 of 2025 is disposed of.
11. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Krishna Rao, J.)