

27.11.2025
Court No.551
Item No.318
sudipta

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. 25149 of 2025

**Debasis Bag & Anr.
Vs.
The State of West Bengal & Ors.**

Mr. Dilip Kumar Sinha

...for the petitioners

Mr. Soumitra Bandyopadhyay, Sr. Govt. Adv.

Mr. Priyabrata Batabyal

..for the State

1. Affidavit of service filed today be kept with the record.
2. It is submitted by the learned advocate appearing for the petitioners that the all respondents have duly been served. None appears for the respondent nos. 6 to 9.
3. The petitioner seeks issuance of a writ of mandamus commanding the respondent / State authorities to *“remove the unauthorized encroachment from the public premises which is in front of the petitioners’ premises and more particularly which is used by the petitioners and their family members as only ingress and egress having considered the petitioners’ representation”*.

4. It is submitted by the petitioners that the respondent nos. 6 to 9 have encroached upon Government land in such a manner that the petitioners' ingress to and egress from the petitioners' property is impeded.
5. It is further submitted that a representation in such regard has been made to the Sub-Divisional Officer, Tamluk but the said Sub-Divisional Officer has not taken any step on the basis of such representation made by the petitioners.
6. It is noticed that the names of the respondent nos. 6 to 9 have not been mentioned in the representation made before the Sub-Divisional Officer by the petitioner on July 14, 2025 (Annexure P-4 at page 21 of the writ petition).
7. Since a representation has been made before the Sub-Divisional Officer, Tamluk alleging encroachment upon Government land and in terms of the provisions of the West Bengal Public Land (Eviction of Unauthorised Occupants) Act, 1962, the Sub-Divisional Officer/Sub-Divisional Magistrate is the authority competent to take a decision as to whether a person is in unauthorized occupation of Government land or not, it would be proper to direct the Sub-Divisional Officer and

/Sub-Divisional Magistrate Tamluk (respondent no. 3 herein) to consider and dispose of the petitioner's representation dated July 14, 2025 (Annexure P-4 at page 21 of the writ petition) within a period of 12 weeks from the date of communication of this order, strictly in accordance with law and upon affording an opportunity of hearing to all interested parties including the private respondent nos. 6 to 9 herein.

8. Needless to mention that the respondent no.3 shall dispose of the said representation by passing a reasoned order within the aforesaid time frame and shall communicate the same to all the parties within a week from passing thereof. It is clarified that this Court has not gone into the merits of the petitioner's case and all points are left open to be decided by the Respondent No. 3 in accordance with law.

9. WPA 25149 of 2025 stands disposed of with the above observations. No costs.

(Om Narayan Rai, J.)