

S/L 3
13.11.2025
Court. No. 25
suvayan

WPA 25039 of 2025

Chhaya Bhaumik
Vs.
The State of West Bengal & Ors.

Mr. Asok Kumar Ganguly
...for the Petitioner.

Mr. Swapan Banerjee
Mr. Diptendu Narayan Banerjee
...for the State.

Mr. Tusherkanti Mukherjee
...for the respondent no. 8.

1. The petitioner has filed the present writ application challenging the order passed by the District Magistrate, Purba Medinipur dated September 18, 2025 wherein the District Magistrate, Purba Medinipur has upheld the order passed by the Sub-Divisional Magistrate, Haldia in M.P. Case no. 845 of 2023 under Section 10(3) of the West Bengal Highways Act, 1964.
2. The contention of the learned counsel appearing for the petitioner is that the private respondent no. 9 had initially made a complaint to the Assistant Engineer, Haldia Highways Sub-Division alleging that the petitioner has illegally occupation of the Government land and illegally made construction over the Government land and requested for eviction of the petitioner from the said Government land. On the basis of the same, a notice was issued by the Assistant Engineer on July 28, 2021.

3. The petitioner has submitted his objection before the Assistant Engineer but no order has been passed.
4. Subsequently, the petitioner has made an application under Right to Information Act requesting for certain information but no such information has been provided. In the meantime, the private respondent no. 9 had preferred a writ application being WPA 1893 of 2021 and the said writ petition was disposed of by a co-ordinate Bench of this Court on January 19, 2025 directing the concerned authority to consider and dispose of the representation submitted by the private respondent no. 9 on November 8, 2020 within a period of three months from the date of communication of the order upon affording reasonable opportunity of hearing to all the interested persons including the petitioner and the private respondents in accordance with law.
5. In terms of the order passed by this Court, the Assistant Engineer has again issued the notice and subsequently, the Assistant Engineer has forwarded the matter to the Sub-Divisional Executive Magistrate, Haldia, Purba Medinipur and the Executive Magistrate, Purba Medinipur has passed an order on June 5, 2023 holding that the petitioner has encroached the Government land and directed to vacate the Government land and the legal construction over the Government land.
6. Being aggrieved and dissatisfied with the order of the Sub-Divisional Officer, the petitioner has preferred an appeal and the appellate authority has also dismissed the appeal in favour of the writ petitioner.

7. The main contention raised by the petitioner in the present writ application that the authorities have relied upon the report on the basis of which the impugned order is passed but the report has not been supplied to the petitioner and the petitioner could not get any opportunity of hearing, thus he prays for quashing of the order and supply of the report so that the petitioner can get an opportunity to deal with the report.
8. Learned counsel for the respondent no. 8 submits that this Court by an order dated January 19, 2023 has directed the authority to dispose of the representation of the private respondent no. 9 after giving opportunity to all the interested persons including the private respondents but the private respondent herein being the respondent no. 8 has neither get any notice from the Sub-Divisional Officer or notice from the appellate authority and as such the authorities have not complied with the order passed by the Hon'ble High Court in its true spirit by giving any notice to the private respondent no. 8.
9. Learned counsel appearing for the State submits that in terms of the order passed by this Court, the Sub-Divisional Magistrate has enquired into the matter and found that the petitioner is in illegal occupation of the Government land and illegally constructed over the Government land. Accordingly, order of eviction was passed. The petitioner has challenged the said order before the appellate authority and before the appellate authority the petitioner admits that the petitioner has

made an encroachment over the Government land and he has also submitted before the appellate authority that the encroachment is not creating any hindrance to others. He submits that taking into consideration of the admission made by the petitioner before the appellate authority, the appellate authority has dismissed the appeal and the order passed by the Sub-Divisional Officer is up held.

10. Heard the learned counsel for the respective parties.
11. Perused the materials on record, this Court finds that initially the private respondent has made a complaint but that was not considered by the authorities and the private respondent no. 9 has approached this Court and this Court has directed to the concerned authority to dispose of the complaint of private respondent no. 9. In compliance of the order passed by this Court the authorities have issued notices and passed an order of eviction. The order passed by the Sub-Divisional Officer has been challenged before the appellate authority. Now the petitioner has raised the question that the authorities have relied upon the report but the report has not been submitted. This Court finds that the appellate authority has taken of the matter on several occasions but none of the occasion the petitioner has raised any objection that the report has not been served upon the petitioner. In the appeal also there is no ground that the order has been passed without supply the copy of the report.
12. In the impugned order passed by the District Magistrate, Purba Medinipur, the appellate authority categorically

recorded that “the learned advocate of the appellant admits that the encroachment of the petitioners over the Government land i.e. Plot no. 98/419 of Mouza – Terapekhya, J.L. no. 113. The learned advocate of the appellant also submits that the encroachment is not creating any hindrance to others.” The appellant authority has considered the submission made by the learned counsel for the petitioner wherein the petitioner’s advocate has admitted that the petitioner has encroached the Government land but it is not created any hindrance.

13. Considering the above, the appellate authority has passed the order by rejecting the appeal and appellate order.
14. This Court finds that the petitioner has not made any averment in the appeal or made any submission before the appellate authority with regard to supply of copy of the report and before the appellate authority the petitioner had admitted that the petitioner has encroached the Government land and the construction made will not create any hindrance to the others. Once the petitioner had admitted that the petitioner made encroachment over the Government land and also made construction nothing remains to the appellate authority to further consider anything.
15. Accordingly, this Court finds that the order passed by the Sub-Divisional Officer as well as the appellate authority does not require any interference.
16. Accordingly, WPA 25039 of 2025 is dismissed.

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

(Krishna Rao, J.)