

Court No. 2
(1545)

Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Side

31.10.2025
(JPD 10)
(S. Banerjee)

WPA 2061 of 2025

Murshed Ali Khan
Vs.
The State of West Bengal & Ors.

Ms. Suman Sehanabis (Mandal)
Mr. Tathagata Biswas
Mr. Salok Sah
Ms. Ayuska Debnath

... for the petitioner

Mr. Joyjit Choudhury, Ld. AAG
Mr. Nabankur Paul
Ms. PRatyusha Dutta Chowdhury

... for the State

Mr. Arnab Saha

... for the respondent nos. 9 to 20

Affidavit of service filed in court today be kept
with the record.

The petitioner has prayed for a direction upon
the respondent authorities to consider the
representation of the petitioner for removal of illegal
encroachment from the public land.

The learned advocate appearing for the private
respondents submits that the petitioner has
approached the concerned Executive Magistrate
under the provisions of Section 144 of the Code of
Criminal Procedure for the self-same cause of action

and such fact has been suppressed in this writ petition.

Learned Additional Advocate General submits that in view of the provisions laid down under Section 3 of the West Bengal Public Land (Eviction of Unauthorised Occupants) Act 1962, the Collector is the appropriate authority to take steps for issuance of the show-cause notice and to proceed thereafter in accordance with law.

In view thereof, the District Magistrate, Jalpaiguri, being the 2nd respondent is directed to consider the representation of the petitioner dated July 30, 2025 and to take appropriate steps in accordance with law after affording an opportunity of hearing to the petitioner. The entire exercise shall be completed as early as possible, but positively within a period of eight weeks from the date of communication of a server copy of this order.

It will be open to the said respondent to issue notice upon the persons who may be affected by the action of the said authority.

(Hiranmay Bhattacharyya, J.)