

D/L - 18
31/10/2025
Court. No. 2
Aritra

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri
Appellate Side**

WPA 2124 of 2025

**Darjeeling Trading Pvt. Ltd.
Vs.
The State of West Bengal & Ors.**

Mr. Aditya Mondal

....for the petitioner

Mr. Joyjit Choudhury, Ld. AAG,
Ms. Bedashruti Bose
Mr. Nabankur Paul

....for the State

Affidavit of service filed in Court today is taken on record.

The petitioner, who claims to be a lessee of a tea garden have filed this writ petition alleging encroachment of a portion of a tea garden. The petitioner further alleges that Deed of Conveyance has also been executed in favour a third party in respect of a portion of the tea garden.

Petitioner submits a representation before the Officer-in-Charge of the concerned police station alleging illegal encroachment of the tea garden.

The Officer-in-Charge is not vested with the power and authority under the law to decide as to whether a leasehold property has been encroached upon or not.

Faced with such situation the learned advocate appearing for the petitioner submits that in the meantime the petitioner has also submitted a representation under Section 3 of the West Bengal

Public Land Eviction of Unauthorised Occupants Act, 1962 before the competent authority.

State is represented by the learned Additional Advocate General. He submits that no copy of the representation filed under Section 3 of the 1962 Act has been disclosed in this writ petition.

However, since the petitioner has submitted a representation before the Officer-in-Charge of the concerned police station for removal of encroachment and this Court has already observed that such authority do not have the power to decide on such issue, **WPA 2124 of 2025** stands disposed by giving liberty to the petitioner to take appropriate steps before the proper forum in accordance with law.

It is, however, made clear that this order shall not discourage the competent authority of the State from initiating any action in accordance with law.

At this stage the learned Additional Advocate General submits that a direction be passed upon the Officer-in-Charge of the concerned police station to keep a strict vigil at the locale and to maintain peace and tranquility at the locale.

The Officer-in-Charge of the local police station shall keep a strict vigil at the locale and shall maintain peace and tranquility at the locale.

All parties shall act with the server copy of this order duly downloaded from the official website of this Court.

(Hiranmay Bhattacharyya, J.)