

19.02.2026
Item No.5 (DL)
Court No.551
A.J.

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

W.P.A. 1759 of 2024

Subodh Chandra Sarkar

-Vs-

The State of West Bengal & Ors.

Mr. Atis Kumar Biswas,
Ms. Jyoti Agarwal.

...for the petitioner.

Mr. K.J. Yusuf, A.G.P.,
Mr. Sankha Prasad Roy.

...for the State.

Ms. Debjani Roy Chaudhuri,
Mr. Asraf Mondal.

...for the respondent nos.10 & 12.

1. Affidavit of service filed on behalf of the petitioner be kept with the record.

2. This writ petition alleges inaction on the part of the respondent State Authorities in taking steps for removal of alleged unauthorized encroachment on Government land.

3. Learned Advocate appearing for the petitioner invites the attention of this Court to a representation dated November 02, 2023 addressed inter alia to the Sub-Divisional Officer, Tehatta i.e. the respondent no.4 herein and submits that despite a complaint having been lodged before the said respondent alleging unauthorized occupation of Government/ public land by the respondent nos.10, 11 and 12, the said respondent has not taken any step whatsoever in the matter.

4. Learned Advocate appearing for the respondent nos.10 and 12 submits that the petitioner's allegations are baseless. It is submitted that the respondent nos.10 and 12 are not in unauthorized occupation of any Government land as alleged.

5. Since a representation has already been made before the respondent no.4 and there is dispute as to whether the property in question is Government land or not, it would be appropriate to direct the respondent no.4 to take appropriate decision in the matter. Accordingly, the respondent no.4 i.e. the Sub-Divisional Officer, Tehatta is directed to consider the petitioner's representation dated November 02, 2023 (annexure P2 at pages 24 And 25 of the writ petition) and conduct relevant enquiry to ascertain as to whether the petitioner's complaint is genuine.

6. If the respondent no.4 finds that there is merit in the petitioner's representation, the respondent no.4 shall take appropriate steps in terms of the relevant statute including the West Bengal Public Land (Eviction of Unauthorized Occupants) Act, 1962 and initiate appropriate proceedings. It is clarified that while undertaking any enquiry and conducting any proceeding, as aforesaid, the respondent no.4 shall notify all interested persons including the petitioner and the respondent nos.10

and 12 and shall permit all such persons to state their respective cases before the respondent no.4 before arriving at the ultimate decision.

7. In case it is found that any person is in unauthorized occupation of Government land/public land, the respondent no.4 shall take appropriate steps to ensure removal of the encroachment and encroachers. It is expected that the respondent no.4 shall conclude any proceeding that may have to be initiated for removal of the encroacher as well as the encroachment, in terms of the relevant statute, as expeditiously as possible and preferably within a period of 12 weeks from the date of communication of this order, upon affording adequate opportunity of hearing to all interested parties.

8. WPA 1759 of 2024 stands disposed of. No costs.

9. Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Om Narayan Rai, J.)