

Item No.
SL.910
SD
19.2.26

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side.**

WPA 2062 of 2026

**Harendra Nath Adak & Anr.
Vs.
The State of West Bengal & Ors.**

**Mr. Lakshminath Bhattacharya
Mr. S. Bose
Mr. Arpan Bairagi ... For the Petitioners.**

**Ms. Atreya Chakraborty
Mr. J. Datta
... For the Respondent nos. 12 and 9 13.**

**Mr. Himadri Sikhar Chakraborty
Ms. Susnita Saha ... For the State.**

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

This writ petition alleges in action on the part of the respondent State Authorities not taking steps for removal of unauthorized occupation and encroachment of Government/Public land by the respondent nos. 12 and 13.

Learned Advocate appearing for the petitioners has taken this court through a letter dated February 16, 2024 issued by the Sub-Divisional Officer, Raidighi Irrigation Sub-Division to the Sub-Divisional Officer, Diamond Harbour bringing it to the notice of the addressee Sub-Divisional Officer that two storied building had been constructed in front of the petitioners' plot of land

and by the side of PWD road without any permission for such construction having been granted by the relevant Department.

He then places a representation dated January 15, 2026 (Annexure P/4 at pages 35 to 36 of the writ petition) and submits that despite the fact of such unauthorized occupation over the Government land having been specifically brought to the notice of the respondent no. 7, the said respondent has remained inactive.

Mr. Chakraborty, learned Advocate appearing for the respondent nos. 12 and 13 submits that the allegations levelled by the petitioners do not have any basis.

Heard the learned Advocate appearing for the respective parties and considered the material on record.

Since an allegation of unauthorized occupation over the Government land has been levelled against the private respondents and a representation to such effect has been made before the respondent no. 6, it would be appropriate to direct the said respondent to consider the petitioners' representation and dispose of the same in accordance with law.

Accordingly, the respondent no. 6 ie.,

Sub-Divisional Officer, Diamond Harbour, is directed to consider and dispose of the petitioners' representation within a period of eight weeks from the date of communication of this order, strictly in accordance with law upon affording an opportunity of hearing to all interested parties including the petitioners and the respondents no. 12 and 13.

It is clarified that if the respondent no. 6 finds that the petitioners' allegations have substance and there has indeed been unauthorized occupation over the Government/ Public land the said Authority shall initiate appropriate proceedings under the relevant Act for removal of such encroachment and shall take such proceedings to their logical legal conclusion upon hearing all interested parties including the petitioners and the private respondents. If any such proceeding is initiated the same shall be concluded as expeditiously as possible and preferably within a period of 12 weeks from the date of initiation thereof.

The Sub-Divisional Officer ie., the respondent no. 6 shall be entitled to take assistance of the relevant Block Land and Land Reforms Officer and the said Block Land and Land Reforms Officer shall remain obliged to assist the respondent No. 6 in arriving a proper conclusion and upon

undertaking relevant enquiry.

It is clarified that this Court has not gone into the merits of the petitioners' case and all points are left open to be decided by the respondent no. 6 in accordance with law.

WPA 2062 of 2026 stands disposed of with the above observations.

However, there will be no order as to costs.

(Om Narayan Rai, J.)