

19.02.2026
Item No.912 (DL)
Court No.551
AJ.

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

W.P.A. 2424 of 2026

Sabitri Mahata

-Vs-

The State of West Bengal & Ors.

Mr. T. B. Saha,
Mr. Aninda Bhattacharya,
Mr. S. Sarkar,
Mr. S. Maity.

...for the petitioner.

Mr. Joydip Banerjee,
Ms. Mousumi Banerjee.

...for the State.

Mr. Sail Kumar Maiti,
Ms. Dolon Samanta.

...for the respondent no.8.

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

2. This writ petition has been filed challenging an order dated December 05, 2025 passed by the Sub-Divisional Officer, Medinipur, Sadar in a proceeding initiated under the West Bengal Public Land (Eviction of Unauthorized Occupants) Act, 1962 (hereafter 'the said Act of 1962'). The writ petitioner has also prayed for removal of alleged encroachment over public land at the behest of the respondent no.8.

3. It is noticed that earlier too, the writ petitioner had approached this Court by filing WPA 4456 of 2024 which was disposed of by an order dated July 07, 2025. In due deference to the said order, the Sub-Divisional Officer, Medinipur, Sadar initiated

proceedings under the said Act of 1962 and passed an order dated December 05, 2025 observing that there was no illegal occupation or encroachment.

4. It is the petitioner's case now that the Sub-Divisional Officer has not taken any decision in respect of that portion plot of land over which unauthorized occupation was complained of. It is submitted on behalf of the petitioner that the Sub-Divisional Officer had taken a decision in respect of a different portion of the same plot of land. It is submitted that if the Sub-Divisional Officer has taken into consideration that portion of the plot of land in respect whereof the petitioner has not been granted any patta and of which private respondent is still in occupation, the result would have been otherwise.

5. Learned Advocate appearing for the private respondent however contends that the decision taken by the Sub-Divisional Magistrate is absolutely right and there is no infirmity therein. It is further submitted that the petitioner cannot approach this Court again and again alleging unauthorized occupation in respect of the same property by filing a fresh representation.

6. Heard learned Advocates appearing for the respective parties and considered the material-on-record.

7. Since the Sub-Divisional Magistrate has already disposed of a proceeding initiated under the relevant provisions of the said Act of 1962 by the order dated December 05, 2025 therefore if the petitioner still remains aggrieved by such order, even assuming the petitioner's contention that the Sub-Divisional Magistrate has decided the matter in respect of such portion of the relevant plot of land whereof the private respondent is in occupation on the basis of a patta and not that portion which is being occupied by the private respondent unauthorizedly as correct, then also, the remedy available to the writ petitioner was/is by way of an appeal which is provided for in this statute.

8. In such view of the matter, this writ petition is not entertained. However, this order shall not prevent the petitioner from approaching the appropriate appellate authority under Section 7 of the said Act of 1962, in accordance with law.

9. WPA 2424 of 2026 stands disposed of with the above observations. No costs.

10. 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.)