

*D/L- 16
23/03/2026
Ct. No.-19
Aritra*

WPA 6798 of 2026
Sri Ganesh Das & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Anindya Lahiri, Sr. Adv.,
Mr. Subhomoy Paul
Mr. Anish Chakraborty

....for the petitioners

Mr. Ayan Banerjee
Mr. Subhendu Sengupta

....for the State

Mr. Arka Bhattacharya

....for the respondent No.7

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

The petitioners have challenged an order passed by the Sub-Divisional Magistrate dated February 19, 2026 by preferring an appeal under Section 7 of the West Bengal Public Land (Eviction of Unauthorised Occupants) Act, 1962.

Mr. Lahiri, learned senior advocate appearing for the petitioners submits that the appeal has been filed within the prescribed period of limitation and no date of hearing of the said appeal has been fixed by the appellate authority though the petitioners filed the same on March 5, 2026. Mr. Lahiri further submits that during the pendency of the said appeal the petitioners are entitled to some interim protection.

The State and the private respondent are represented by their learned advocates.

The learned advocate for the private respondent submits that it has been found by the Sub-Divisional Magistrate that the petitioners have encroached upon a portion of the public land and after considering the materials on record the order of eviction has been passed.

Since the petitioners have availed of the appellate remedy under the relevant statute, if during the pendency of the said appeal, the order under challenge in the said appeal is executed/implemented, the appeal preferred by the petitioners would become infructuous. It would also give rise to multiplicity of proceedings.

After hearing the learned advocates for the respective parties, this Court is of the considered view that the interest of justice would be sub-served if a direction is passed upon the appellate authority to dispose of the appeal expeditiously and the petitioners are also entitled to an interim protection during the pendency of the said appeal for the reasons as stated hereinbefore.

Considering the fact that the date for Assembly Election has been notified, the District Magistrate & Collector of Paschim Medinipur, being the respondent No.2 is directed to fix a date of hearing of the said appeal upon notice to the respective parties and dispose of the same as expeditiously as possible but positively on or before May

15, 2026, without granting any unnecessary adjournments to either of the parties.

The reasoned order shall be communicated to the respective parties within 7 working days from the date of conclusion of such hearing.

There shall be an order of stay of operation of the order dated February 19, 2026 passed by the Sub-Divisional Magistrate, Ghatal, Paschim Medinipur till the date of communication of the reasoned order to be passed by the District Magistrate on the appeal preferred by the petitioners.

With the above observations and directions, WPA 6798 of 2026 stands disposed of.

There will be no order as to costs.

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

(Hiranmay Bhattacharyya, J.)