

WPA/13468/2026
MUNSI SIRAJ SADAKIN AND ANR.
VS.
STATE OF WEST BENGAL AND ORS.

Mr. Kaustav Banerjee, Adv.
Ms. Ria Kundu, Adv.

....For the Petitioners

Mr. D.N. Roy, G.P.
Ms. Jayita Dhar Chakraborty, Adv.
Mr. Atanu Basu, Adv.

...For the Respondent-State

1. The parties to the instant writ petition are represented by their respective learned counsels.
2. The subject-matter of challenge in the instant writ petition is the notice vide Memo No.444/I-6 dated 1.6.2026, as issued by the Respondent No.5 authority in terms of West Bengal Public Land (Eviction of Unauthorised Occupants) Act, 1962 ('Act of 1962' in short).
3. At the time of hearing, learned advocate appearing on behalf of the writ petitioners, at the very outset submits before this Court that the impugned notice dated 1.6.2026 is not at all maintainable since from Annexure-'P1' in Page-11 of the instant writ petition it would reveal that the entire Plot No.468 is a *rayati* land and not a public land under section 2(7) of the Act of 1962 and thus, the said impugned

notice as issued under section 4 of the Act of 1962 may be quashed.

4. Per contra, Mr. Roy, learned Government Pleader for the Respondent-State submits before this Court that there cannot be any occasion to challenge the impugned notice dated 1.6.2026 in view of the fact that the Respondent No.5 had given sufficient opportunity to the writ petitioner to show cause as to why it shall not initiate a proceeding under section 4 of the said Act of 1962.

5. For effective adjudication of the instant *lis*, this Court proposes to look to the definition of public land as embodied in section 2(7) of the Act of 1962 and the same is quoted hereinbelow in verbatim:-

“(7) "public land" means any land belonging to, or taken or lease by the State Government, a local authority, a Government company or a corporation owned or controlled by the Central or the State Government and includes any land requisitioned by, or on behalf of, the State Government, but does not include a Government road or a highway with the meaning of the Bengal Highways Act, 1925, or any other law for the time being in force on the subject.

Explanation.-In this cause "Government company" means a Government company within the meaning of section 617 of the Companies Act, 1956.”

6. Section 3 of the Act of 1962 reads as under:-

“3. Issue of notice to show cause against order for eviction of unauthorised occupant from public land.-(1) If, in respect of any public land, the Collector is of opinion, upon application made by an officer of the owner

of the public land authorised in this behalf by such owner or upon information received otherwise, that the public land is in the unauthorised occupation of any person or persons, the Collector shall issue a notice in such form and containing such particulars as may be prescribed calling upon all person concerned to show-cause before such date, not being less than fifteen days after the date of the notice, as may specified in the notice why an order under sub-section (1) of section 4 should not be made, and shall cause it to be served in the manner referred to in sub-section (2). Intimation of the date so specified shall be given to the owner of the public land and to its officer authorised under this sub-section.

(2) A notice issued under sub-section (1) shall be served by affixing it on a conspicuous part of the public land concerned and in such other manner as may prescribed.

(3) A notice served in the manner referred to in sub-section (2) shall be deemed to have been duly served.”

7. On careful perusal of the aforementioned legislative provisions *vis-à-vis* the materials as placed before this Court and after hearing the learned advocates for the contending parties it appears that the Respondent No.5 authority has issued a notice under section 3 of the Act of 1962 upon the writ petitioners giving them sufficient opportunity to show cause as to why he shall not proceed under section 4 of the Act of 1962.

8. Such being the position, this Court finds that the petitioners are very much at liberty to approach the Respondent No.5 authority to submit their show-cause and/or all possible objections upon which the Respondent No.5 shall take due decision after

giving due opportunity of hearing to the writ petitioners.

9. In view of such, this Court finds no reason to interfere with the impugned notice dated 1.6.2026.

10. Hence, WPA 13468 of 2026 is dismissed.

11. Before parting, this Court, however, extends the time of appearance of the writ petitioners before the Respondent No.5 authority pursuant to the impugned notice dated 1.6.2026 till July 15, 2026, failing which Respondent No.5 is at liberty to take appropriate decision in absence of the writ petitioners.

12. Before parting with, it is, however, made clear that in the event, writ petitioners submit their show-cause with the Respondent No.5 pursuant to the impugned noticed dated 1.6.2026, the Respondent No.5 authority after giving due chance of hearing to the writ petitioners shall pass a reasoned order and communicate the same to the writ petitioners.

13. It is further made clear that in the event, Respondent No.5 authority finds no merit in the cause shown by the writ petitioners, he is at liberty to take all consequential action forthwith pursuant to the notice impugned dated 1.6.2026.

14. No order as to costs.

(PARTHA SARATHI SEN, J.)