

Sl.20
23.06.2026
Court No.19
BP

WPA 14080 of 2026

Nikhil Singha & Ors.
-versus-
The State of West Bengal & Ors.

Mr. Arunabha Raha
Mr. Pritam Chowdhury
Mr. Aloknath Shaw
Mr. Anindya Bose

..for the petitioners

Mr. Nilanjan Bhattacharjee, Sr. Standing Counsel
Ms. Jayita Dhar Chakraborty
Mr. Rhitam Chatterjee
..for the State

Mr. Bhattacharjee, learned senior standing counsel raises an objection as to the maintainability of a joint writ petition. He submits that the petitioners are carrying on business from shop rooms by encroaching upon the Government land.

By drawing the attention of the Court to the electricity bills and other documents annexed to this writ petition Mr. Bhattacharjee, learned senior standing counsel would contend that the cause of action for filing the instant writ petition cannot be said to be a joint cause of action.

Faced with such submission, the learned advocate appearing for the petitioners prays for leave to put in the deficit court fees in course of this day.

In view of such assurance this writ petition is taken up for consideration.

It is however made clear that in case the deficit court fees are not put in within the time limit indicated hereinbefore the writ petition shall stand dismissed insofar as the petitioner nos. 2 to 21 are concerned.

The petitioners have challenged the eviction notice issued by the Block Development Officer, Samserganj Development Block, Ratanpur, Murshidabad dated 18th June, 2026. He submits that the procedure contemplated under the West Bengal Public Land (Eviction of Unauthorised Occupants) Act, 1962 has not been followed.

The learned advocate for the petitioners places reliance upon a decision in the case of Purbachal Cooperative Housing Society Limited and another Vs. the State of West Bengal and others.

Heard Mr. Bhattacharjee, learned senior standing counsel on such submission.

In Purbachal Cooperative Housing Society Limited and another (supra) this Court upon a conjoint reading of Sections 3 and 4 of the 1962 Act held that a notice to show-cause shall have to be served upon the person(s), who is/are alleged to be in unauthorised occupation of public land and after considering the cause shown and after giving such person(s) a reasonable opportunity of hearing an order of eviction can be passed.

By the impugned eviction notices dated 18.06.2026 it was notified that an eviction programme will be conducted on 25.06.2026 against unauthorised encroachments and all encroachers were directed to vacate the BDO office land and remove all belongings on or before 24.06.2026 failing which eviction will be carried out aftermath without further notice.

On a query of the Court as to whether the procedure contemplated under the 1962 Act has been followed or not, Mr. Bhattacharjee, learned senior standing counsel, in his usual fairness, submits that such procedure has not been followed in the case on hand.

In view thereof, the eviction notice(s) all dated 18th June, 2026 are set aside and quashed.

It is however made clear that this order shall not preclude the appropriate authority from initiating an appropriate proceeding in accordance with law.

With the above observations, WPA 14080 of 2026 stands allowed.

There shall be however no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)