

*D/L- 21*  
*23/03/2026*  
*Ct. No.-19*  
*Aritra*

**WPA 19986 of 2025**  
**Sri Biswanath Paria & Ors.**  
**Vs.**  
**The State of West Bengal & Ors.**

Mr. Tanmoy Mukherjee  
Mr. Monoranjan Jana

....for the petitioners

Mr. Soumitra Bandyapadhyay, Sr. Govt. Adv.,  
Mr. Priyabrata Batabyal

....for the State

Mr. Santimay Bhattacharya  
Mr. Ziaul Haque  
Mr. Anirban Das

....for the respondent Nos.8 & 9

The petitioners have challenged the order of the District Magistrate, Paschim Medinipur dated June 23, 2025 passed in an appeal filed under Section 10(4) of the West Bengal Highway Act, 1964.

In the said order it was recorded that the land where the encroachment has been alleged does not fall within the jurisdiction of the West Bengal Highway Act, 1964. By the said order the Additional District Magistrate, Zilla Parishad was directed to deal with the matter under the provisions of the West Bengal Public Land (Eviction of Unauthorised Occupants) Act, 1962.

This Court, by an order dated February 10, 2026, directed a report in the form of an affidavit to be filed by the Sub-Divisional Officer, Khragpur, Paschim Medinipur specifically stating whether the issue of removal of

unauthorised occupants falls within his jurisdiction or not.

Pursuant to the said order, reports have been filed by the respondent Nos. 4 and 5.

In the affidavit filed by the respondent No.5 it has been specifically stated that as per the Record of Rights the land in question is classified as 'Nayanjuli' and recorded in favour of the Medinipur Zilla Parishad on behalf of the Government of West Bengal. The report further states that the said land is a "Public Land" as per Section 2(7) of the West Bengal Public Land (Eviction of Unauthorised Occupants) Act, 1962 and it falls under the jurisdiction of the Sub-Divisional Officer, Kharagpur. The report further states that a proceeding has been drawn against the alleged encroachers and a notice to show-cause under Section 3 of the 1962 Act has also been issued to the encroachers dated March 12, 2026 which has also been appended to the said report. It appears therefrom that March 30, 2026 has been fixed for hearing before the Sub-Divisional Officer, Kharagpur.

Since a proceeding has already been initiated, the Sub-Divisional Officer, Kharagpur is directed to take up the hearing on March 30, 2026 and conclude the said proceeding including passing of the order by the end of the month of May, 2026.

With the above observations and directions, WPA 19986 of 2025 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.)***