23.11.2026
Item No.2 (S.L.)
Court No.446
skg

WPA 28747 of 2026

Badal Roy & Ors.
VS
State of West Bengal and Ors.

Mr. Rabindranath Mahato, Adv.
Mr. Aritra Shankar Ray, Adv.
...for the Petitioners
Mr. Tapas Kumar Sil, Adv.
...for the State

1. The matter has been placed in the day's list upon mentioning, considering the urgency involved.
2. The present writ petition has been preferred, inter alia, praying for a direction upon the concerned respondent no. 2 to dispose of the stay petition filed in connection with the appeal preferred by the petitioners under Section 7 of the West Bengal Public (Eviction of Unauthorized Occupants) Act, 1962 (hereinafter referred to as the "1962 Act").
3. The brief facts giving rise to the instant writ petition are that a parcel of land bearing L.R. Plot No. 258, situated at Mouza Rangamati, P.S. and District Paschim Medinipur, was initially handed over to an individual for the purpose of running a private school. The said individual utilised a portion of the aforesaid land for the said purpose, while the petitioners have been carrying on their respective small businesses from stalls erected on the remaining portion thereof for the past 15 years.
4. In this regard, petitioner no. 2 approached the District Magistrate, Paschim Medinipur, seeking grant of a long-term lease in respect of the portion of the land presently occupied by the petitioners for running their respective stalls. Pursuant

thereto, the District Land and Land Reforms Officer, by a letter dated 14th August, 2015, requested petitioner no. 2 to furnish a declaration, in the prescribed format, expressing his willingness to pay the salami and rent as may be assessed by the Government, so as to enable the authorities to take further necessary steps in the matter. In compliance therewith, petitioner no. 2 duly submitted the requisite declaration in the prescribed format. However, notwithstanding the submission of the said declaration, the concerned authorities have, till date, failed to take any effective steps towards the grant of a long-term lease in favour of petitioner no. 2.

5. In the meantime, the Sub-Divisional Magistrate initiated proceedings against the petitioners under the 1962 Act and, by an order dated 8th September, 2026, directed them to remove the structures housing their respective stalls/shops from the said portion of the land within 30 days from the date of receipt of a copy of the said order.

6. The petitioners further submit that, being aggrieved by and dissatisfied with the order dated 8th September, 2026, they preferred a statutory appeal under Section 7 of the 1962 Act before the Divisional Commissioner, Paschim Medinipur. Along with the memorandum of appeal, the petitioners also filed an application seeking stay of operation of the order impugned therein, pending disposal of the appeal. However, despite the filing of the appeal and the accompanying application for stay, neither of the same has been taken up for consideration or disposed of by the appellate authority till date. In the aforesaid conspectus of facts and circumstances,

the petitioners have been constrained to prefer the present writ petition.

7. Mr. Mahato, learned counsel appearing on behalf of the petitioners, submits that on Friday, i.e., 20th November, 2026, certain persons, claiming to be officials of the office of the District Land and Land Reforms Officer, Paschim Medinipur, visited the petitioners' shops and directed them to remove the structures, along with their belongings and other articles, from the concerned portion of the land by the end of the day, failing which they threatened to take steps to demolish and remove all the structures standing thereon on the following day.

8. He submits that, in view of the imminent threat of forcible eviction and demolition, the petitioners are faced with an emergent situation and would suffer grave and irreparable prejudice unless interim protection, as prayed for in the present writ petition, is granted. He further submits that, at least, the petitioners ought to be afforded interim protection until the disposal of the statutory appeal preferred by them before the appellate authority.

9. Mr. Sil, learned counsel appearing for the State, submits that a short time may be fixed for disposal of the appeal.

10. Heard the learned Counsels for the parties and perused the materials on record.

11. Having regard to the fact that the petitioners have already invoked the statutory appellate remedy under Section 7 of the 1962 Act by preferring an appeal against the order dated 8th September, 2026, and have also filed an application seeking stay of operation of the said order, I am of

the view that the ends of justice would be subserved if the appellate authority is directed to dispose of the appeal within a stipulated period. Accordingly, the Office of the Divisional Commissioner, Paschim Medinipur, is directed to ensure that the appeal preferred by the petitioners is taken up and disposed of, in accordance with law, within a period of one month from the date of receipt of a copy of this order, and no coercive steps shall be taken for eviction of the petitioners or demolition or removal of the said structures until the disposal of the appeal.

12. With the aforesaid observations, the writ petition is disposed of.

13. There shall be no order as to costs.

14. The petitioner is directed to communicate this order, along with a server copy through the Divisional Commissioner and the Divisional Commissioner is directed to act on the basis of such communication.

(Partha Sarathi Chatterjee, J.)