

05.02.2026
Item No.803 (DL)
Court No.551
AJ.

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION**

W.P.A. 26265 of 2025

**Shri Nirmal Kumar Maiti
-Vs-
The State of West Bengal & Ors.**

Mr. S.P. Pahari,
Mr. A. Pradhan,
Mr. Tapan Kumar Mahapatra.
...for the petitioner.

Mr. Biswajit De,
Mr. Somnath Ghosh.
...for the State.

Mr. Praashar Baidya,
Mr. Ivan Roy.
...respondent nos.9 to 14.

1. Affidavit of service filed on behalf of the petitioner be kept with the record.

2. This writ petition alleges inaction on the part of the respondent no.3 i.e. the Sub-Divisional Officer, Haldia in taking steps against the respondent nos.9 to 14 who have, allegedly encroached upon Government/public land.

3. It is submitted by the learned Advocate appearing for the petitioner that despite a representation dated September 24, 2025 having been made before the respondent State Authorities including the respondent no.3, no step has been taken to evict the encroachers.

4. Learned Advocate appearing for the respondent State Authorities submits that

appropriate steps would be taken against the encroachers, in case it is found that the Government land has been encroached upon.

5. Learned Advocate appearing for the respondent nos.9 to 14 submits that the said respondents have not encroached upon any Government land as alleged by the petitioner and that the said respondents are carrying on business pursuant to trade licence granted by the appropriate authorities.

6. Heard learned Advocates appearing for the respective parties and considered the materials-on-record.

7. Since a representation has been made before the respondent no.3 i.e. the Sub-Divisional Officer, Haldia, the said respondent should take cognizance of such representation and should conduct appropriate enquiry. In case the respondent no.3 is satisfied that there has been encroachment upon public land/Government land as alleged by the petitioner, the said Authority shall initiate appropriate proceedings for evicting the encroachers from the said land, in accordance with the provisions of the West Bengal Public Land (Eviction of Unauthorized Occupants), Act 1962 and/or any other statute that is applicable.

8. It is clarified that in case any proceeding is initiated by the respondent no.3, the said respondent shall afford appropriate opportunity of hearing to all interested persons including the petitioner and the private respondents and all parties shall be at liberty to place their respective cases before the said respondent no.3. In case such proceedings for eviction and removal of unauthorized encroachment are initiated, the respondent no.3 shall conclude such proceedings in accordance with law as expeditiously as possible and preferably within a period of three months from the date of initiation thereof.

9. WPA 26265 of 2025 is dispose of with the above observations. No costs.

10. Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Om Narayan Rai, J.)