

N.22Sl

151/CL
29.01.26
Sl-781
Ct.551
(S.R.)

WPA 26367 of 2025

Nakul Chandra Sardar

v.

The State of West Bengal & Ors.

Mr. Lakshminath Bhattacharya

Mr. Subhankar Bose

... for the petitioner.

Mr. Mujibar Rahaman

Mr. Mr. Kinkar Kumar Bhattacharya

... for the State.

1. Affidavit of service filed today be kept with the records.
2. None appears for the private respondent nos.14 to 18. It is submitted by the learned advocate appearing for the petitioner that service was sought to be effected on the said respondents but they refused service. It is submitted that the postal envelopes sent to the said respondents have returned unserved with the endorsement "Refused".
3. This writ petition alleges inaction on the part of the respondent no.4 i.e. the Sub-divisional Officer, Diamond Harbour in taking steps on the basis of the petitioner's representation, complaining of unauthorized occupation and encroachment upon public land by the private respondent nos.14 to 18. It is submitted that despite representation dated August 18, 2025 having been made to the respondent no.4, the same has not yet been considered by the said respondent and no step has

been taken to remove the encroachment.

4. The State respondents are represented.
5. Heard learned advocates appearing for the respective parties and considered the material on record.
6. Since a representation alleging encroachment and unauthorized occupation of public land has been made before the respondent no.4, it would be proper for the respondent no.4 to consider the said representation and dispose of the same by passing an appropriate order in accordance with law upon hearing all concerned, including the petitioner and the private respondents as expeditiously as possible preferably within a period of three months from the date of communication of this order.
7. Needless to mention that if the respondent no.4 is satisfied that public land/government land has been encroached upon then in that case the said respondent shall take appropriate steps in accordance with the West Bengal Public Land (Eviction of Unauthorized Occupants) Act, 1962 (hereafter the 'said Act of 1962') to evict the encroachers and unauthorized occupants.
8. If such proceeding is initiated under the said Act of 1962, by the said Sub-divisional Officer, i.e. the respondent no. 4, then the said authority shall afford opportunity of hearing to all interested

parties including the petitioner and the private respondents and pass appropriate orders.

9. With the aforesaid observations, WPA 26367 of 2025 stands disposed of.
10. There shall, however, be no order as to costs.
11. Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

(Om Narayan Rai, J.)