

N.22S1

151/CL
15.01.26
SI-692
Ct.551
(S.R.)

WPA 27194 of 2025

Sushanta Pramanik

v.

The State of West Bengal & Ors.

Sk. Rejaul Alam
Mr. Subodh Kumar Ray
... for the petitioner.

Mr. Arka Kumar Nag
Mr. Argha Chowdhury
... for the State.

Mr. Shreyam Bhattacharya
Ms. Saolini Bose
... for the respondent no.9.

1. This writ petition alleges inaction on the part of the respondent no.4 i.e. the Sub-divisional Officer, Tamluk Sub-division in taking steps on the representation dated May 5, 2025 made by the petitioner to the said authority.
2. It is submitted on behalf of the petitioner that the respondent no.9 has encroached upon Government Land and has raised unauthorized construction thereon. It is further submitted that complaining about the said act of the respondent no.9, the petitioner made several representations before the respondent nos.3, 4 and 5, but the said respondents have not taken any step on any of the representations made by the petitioner.
3. Inviting the attention of this Court to a representation which forms Annexure P-4 to the

writ petition at pages 27 and 28 thereof, it is asserted that despite the said representation having been made on May 5, 2025, no action has been taken by the respondent Sub-divisional Officer, Tamluk Sub-division in the said matter.

4. Learned advocate appearing for the respondent no.9 submits that the complaint lodged by the petitioner before the Sub-divisional Officer is absolutely without basis. It is submitted that the respondent no.9 is in occupation of land on the basis of a valid deed of conveyance and that there is no contravention of any provision of any statute far less the West Bengal Public Land (Eviction of Unauthorized Occupants) Act, 1962. It is submitted that the respondent no.9 has been in occupation of the subject land upon being duly authorized therefor by the Government and upon a plan for construction of a building being duly sanctioned by the competent authority.
5. Learned advocate appearing for the respondent State Authorities hands up to Court a report prepared by the Inspector-in-charge, Panskura Police Station, District - Purba Medinipur and submits that the petitioner's allegation against the police authorities is wholly baseless.
6. Heard learned advocates appearing for the respective parties and considered the material on

record.

7. Since a representation has been made before the Sub-divisional Officer, Tamluk Sub-division i.e. the respondent no.4 alleging encroachment upon Government land and raising of unauthorized construction thereon, the said respondent shall consider the said representation of the petitioner and take appropriate steps thereon, in accordance with law.
8. Needless to mention that if the Sub-divisional Officer/Sub-divisional Magistrate forms an opinion that the respondent no.9 or anyone else is in unauthorized occupation of Government Land or Public Land as alleged by the petitioner, then the said authority shall initiate appropriate proceedings in terms of the West Bengal Public Land (Eviction of Unauthorized Occupants) Act, 1962 and shall conclude the same strictly, in accordance with law, upon affording an opportunity of hearing to all parties including the petitioner and the respondent no.9.
9. In case any proceeding under the said Act of 1962 or otherwise is initiated the respondent no.9 shall be free to take appropriate defence before the competent authority/Sub-divisional Officer and to place all documents in support of his contention that he is not in unauthorized occupation of any

Government Land as alleged.

10. It is clarified that this Court has not gone into the merits of the matter and the respondent no.4 shall be absolutely free to take independent decision in the matter strictly, in accordance with law. Needless to mention that in case any proceeding is initiated under the said Act of 1962 the same shall be concluded expeditiously upon hearing all parties as aforesaid in accordance with law.
11. With the aforesaid observations, WPA 27194 of 2025 stands disposed of.
12. There shall, however, be no order as to costs.
13. Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

(Om Narayan Rai, J.)