

Item No.
SL.784.
SD
29.1.26

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side.**

WPA 28556 of 2025

**Debarshi Sar & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Soumik Ganguly
Mr. Dilip Kumar Sadhu For the Petitioners.

Mr. Aritra Shankar Ray .. For the Respondent Nos. 11-14.

Mr. Chandi Charan De
Mr. C. Ghosh For the State Respondents.

This writ petition alleges inaction on the part of the respondents State Authorities in taking steps to remove unauthorized encroachment on National High Way-II at the instance of the respondent nos. 11 to 14.

It is submitted by the learned Advocate appearing for the petitioner that earlier too the petitioners had approached this Court by filing a writ petition being WPA 29418 of 2024 and the said writ petition was disposed of by an order dated May 21, 2025 thereby directing the concerned State Authority to take appropriate steps on the representation of the petitioner. The relevant State

Authority was also directed to proceed in accordance with the provisions of Section 26 of the National Highways(Land and Traffic) Act, 2002 in case the said Authority was satisfied that there was merit in the representation made by the petitioner.

It is submitted that in terms of the said order, action was taken by the relevant respondent authority and the encroachers were evicted.

Learned Advocate appearing for the petitioner submits that subsequently, the respondent no. 11 to 14 have now encroached upon the Government/public land. It is submitted that complaining against such encroachment, the petitioner has made a representation before the respondent no. 6 ie. Sub-Divisional Officer, Burdwan Sadar Sub-Division on November 28, 2025 but the said representation has not yet been considered and disposed of.

Learned Advocate appearing for the respondent State Authorities hands up to Court a copy of the instructions dated January 21, 2026 forwarded to him by the Executive Engineer-I, Damodar Canal Division, Court Compound, Purba Burdwan and submits that the Block Land and Land Reforms Officer, Burdwan has already been requested to conduct field demarcation and to

submit a report in the matter of encroachment on public land as alleged by the petitioner.

It is, therefore, apparent that steps towards initiation of proceedings under the West Bengal Land (Eviction of Unauthorized Occupants) Act 1962 have already been taken.

In such view of the matter there is no use keeping this writ petition pending. Accordingly, the respondent no. 6 is directed to consider the petitioner's representation dated November 28, 2025 and dispose of the same, in accordance with law upon affording an opportunity to all concerned, including the petitioner and the private respondents 11 to 13. Needless to mention that if the respondent no. 6 is satisfied that there has been encroachment or unauthorized occupation of public land, the said Authority shall initiate appropriate proceedings under Section 3 of the said Act of 1962 and take the same to its logical conclusion as expeditiously as possible, upon affording an opportunity of hearing to the petitioner as well as the private respondents, in accordance with law.

The respondent no. 6 shall endeavor to conclude the proceedings as expeditiously as possible and preferably within a period of six weeks from the date of communication of this order.

The writ petition being WPA 28556 of 2025
stands disposed of with the aforesaid observations.
No costs.

(Om Narayan Rai, J.)