

08.01.2026
Item No.2 (DL)
Court No.551
AJ.

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

W.P.A. 29083 of 2024

**Narugopal Pramanik
-Vs-
The State of West Bengal & Ors.**

Mr. Sobhan Majumder,
Ms. Kalpita Paul.
...for the petitioner.

Mr. Chandi Charan De, Ld. A.G.P.,
Ms. Reshma Chatterjee.
.....for the State.

Mr. Salil Kumar Maiti,
Ms. Dolon Samanta.
.....for the respondent nos.5 & 6.

Mr. Dyutiman Banerjee,
Mr. Debjit Dutta,
Mr. Ayanava Das.
....for the respondent no.8.

1. This writ petition has been filed seeking issuance of a writ of mandamus commanding the respondents to consider and dispose of the representations dated October 03, 2024 and October 30, 2024 filed by the petitioner before the said authorities.

2. It is submitted by the learned Advocate appearing for the petitioner that by the representations the petitioner had requested Haldia Development Authority to provide rehabilitation to the petitioner since the petitioner's land had been acquired by the State Government at the instance of

the Haldia Development Authority. It is further contended that during the hearing taken by the Sub-Divisional Officer too, the petitioner had canvassed such point and had also requested the Sub-Divisional Officer to take steps against the respondent no.8 herein inasmuch as the said respondent had encroached upon public land. It is submitted that the Sub-Divisional Officer has not passed any order as yet.

3. Today, when the matter is taken up learned Advocate appearing for the respondent nos.5 and 6 hands up to Court a copy of the order dated December 05, 2024 passed by the Sub-Divisional Magistrate and Sub-Divisional Officer, Haldia and submits that the petitioner's representations have lost force inasmuch as both the contentions raised by the petitioner have been considered and answered in the order dated December 05, 2024. It is further submitted that Haldia Development Authority is not the appropriate authority to consider the petitioner's request for rehabilitation.

4. It is noticed that the order dated December 05, 2024 is a detailed order passed in proceedings initiated under the provisions of the West Bengal Public Land (Eviction of Unauthorized Occupants) Act, 1962 (in short 'the said Act of 1962) in terms of an earlier order of a co-ordinate Bench of this Court

dated **1st August, 2024** passed in **WPA 2528 of 2024 (Bablu Mondal -Vs- The State of West Bengal & Ors.)**.

5. An order passed by a Sub-Divisional Magistrate under the provisions of the said Act of 1962 is appealable in terms of Section 7 of the said Act of 1962. In such view of the matter, nothing remains to be decided in this writ petition. The petitioner is left free to approach the Appellate Authority under Section 7 of the said Act of 1962 in accordance with law.

6. It is submitted by the learned Advocate appearing for the petitioner that the petitioner had not been served with the order dated December 5, 2024, passed by the Sub-Divisional Officer anytime earlier than today and that the copy of the order that has been handed up to the learned Advocate for the petitioner in Court today is the only service effected.

7. It is clarified that the petitioner shall be entitled to file appropriate appeal before the appropriate Appellate Authority in terms of Section 7 of the said Act of 1962 and it will be open for the petitioner to satisfy the Appellate Authority that the petitioner did not have knowledge of the order or that a copy of the order had not been served upon the petitioner earlier than today.

8. WPA 29083 of 2024 stands disposed of with the aforesaid observations.

9. 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.)