

Item No.
SL. 809
SD
5.2.26

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

WPA 29074 of 2025

**Nemai Chandra Pal & Ors.
- Vs-
The State of West Bengal & Ors.**

Mr. Dilip Kumar Sinha ... For the Petitioners.

***Mr. Munmun Tewary*
*Mr. Syed Mosihar Rahaman .. For the State.***

Affidavit of service filed in court today is taken on record.

This writ petition has been filed laying challenge to an order dated October 14, 2025 passed by the respondent no. 4 ie. Sub-Divisional Magistrate, Ghatal, Paschim Midnapur whereby encroachments on government land have been directed to be removed.

It is submitted by learned Advocate appearing for the petitioner that the said order has been passed in an absolutely arbitrary manner without undertaking proper demarcation and without indicating as to which construction on which plot of land is supposed to be demolished.

It is further submitted that the said order has been passed in abject violation of principles of natural justice inasmuch as the petitioner has not

been served with any notice in respect of the said proceeding initiated by the respondent no.4.

Learned Advocate appearing for the State respondents hands up to a court a copy of the instructions dated January 16, 2026 forwarded to him by the Sub-Divisional Magistrate, Ghatal Paschim Midnapur and submits that all interested parties had been heard by the Sub-Divisional Officer and Sub-Divisional Magistrate, Ghatal while passing the order impugned.

It is further submitted that an appeal had also been preferred against the said order before the District Magistrate, Paschim Midnapur which ultimately came to be dismissed on December 15, 2025.

The instructions filed by the learned Advocate for the State respondents is taken on record.

In reply to such submission learned Advocate appearing for the petitioner invites the attention of this court to the third paragraph at the second page of the order dated October 14, 2025 passed by the Sub-Divisional Officer, and Sub-Divisional Magistrate, Ghatal and submits that the same itself would indicate that the petitioner was not given any opportunity of hearing at all.

Heard the learned Advocates appearing for the respective parties and considered the material on record.

Since it is the petitioners' case and the petitioners have not been heard at all and the order dated October 14, 2025 does not reflect the names of the petitioners while it shows names of several others therefore it may be possible that the petitioner may not have been heard.

However, in view of the fact, that an order passed by the Sub-divisional Officer and the Sub-Divisional Magistrate is appealable in terms of Section 7 of the West Bengal Public Land (Eviction of Unauthorized Occupants) Act, 1962 the petitioner is granted liberty to approach the District Magistrate, Paschim Midnapur by way of appropriate representation stating their case(s) within a period of two weeks from date. The representation filed by the petitioner shall be treated as an appeal, by the District Magistrate, Paschim Midnapur.

If such representation is made within a period of two weeks from date, the District Magistrate, Paschim Midnapur shall consider the same in accordance with law after giving an opportunity of hearing to the petitioners and dispose of the same within a period of three weeks

thereafter.

Needless to mention that the District Magistrate, Paschim Midnapur shall be at liberty to cause such further or other inquiry as may be necessary for the purpose of deciding the petitioners' representation. It is clarified that this Court has not gone into the merits of the petitioners' case and all points are left open to be urged before and be decided by the said District Magistrate in accordance with law.

With the above observations the writ petition being WPA 29074 of 2025 stands disposed of.

However, there shall be no order as to costs.

(Om Narayan Rai, J.)