

26.02.2026
Item No.973 (DL)
Court No.551
AJ.

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

W.P.A. 34 of 2026

**Kazem Ali Sheikh & Anr.
-Vs-
The State of West Bengal & Ors.**

Mr. Subhas Chandra Dutta.
....for the petitioners.

Mr. Suddhadev Adak,
Mr. Somnath Mukhopadhyay.
....for the State.

Mr. Shahan Shah,
Mr. Md. Shahjahan,
.....for the respondent no.10.

1. This writ petition has been filed seeking directions for consideration of representation dated July 01, 2025 for removal of illegal encroachment and illegal construction.

2. Although the petitioners have averred in paragraph 5 of the writ petition that the respondent nos.10 and 11 have constructed shop rooms on Zilla Parishad land, the representation made before the respondent District Magistrate, Murshidabad does not indicate the same. The representation alleges unauthorized construction without sanctioned plan.

3. In such view of the matter, non-consideration of the representation by the

respondent State Authorities cannot be said to be by reason of any inaction.

4. In such view of the matter, no mandatory order can be passed in the writ petition. However, the petitioners shall be free to make appropriate representation before the appropriate authority in case the petitioners find that there is any encroachment over Government land/public land and if any such representation is made, the appropriate authority shall consider the same and take appropriate steps in accordance with law.

5. WPA 34 of 2026 stands disposed of with the above observations.

6. 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.)