

Sl. No.02
01.07.2026
Suman
Ct.06.

Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Side

WPA 2083 of 2025

Subrata Biswas
Vs.
The State of West Bengal and Ors.

Mr. Kumar Shantanu
Mr. Taiab Sahadat
Ms. Nikita Paul
..for the petitioner

Ms. Supriya Singh
Ms. Rajni Singh Dev
..for the State

Mr. Bikramaditya Ghosh
..for respondent no.13.

It appears that the petitioner and Respondent No. 13 are co-sharers in respect of Plot No. 1497, L.R. Dag No. 1082, Khatian No. 1611, Mouza–Kranti, J.L. No. 84, District–Jalpaiguri. The land measures approximately 0.30 acre.

The petitioner alleges that Respondent No. 13 is operating a petrol pump on the said land, although the land is recorded as agricultural in nature. It is submitted that the petitioner had made a representation before the District Magistrate, Jalpaiguri, complaining about the alleged illegal operation of the petrol pump.

The District Magistrate, in turn, forwarded the matter to the Sub-Divisional Officer, Malbazar, Jalpaiguri, for taking appropriate steps. However, according to the petitioner, no action was taken by the Sub-Divisional Officer.

Mr. Bikramaditya Ghosh, learned advocate appearing for Respondent No. 13, on the other hand, submits that the dispute between the parties is purely civil in nature. According to him, two civil suits concerning the right, title and interest of the parties in respect of the land in question are pending adjudication. He further submits that the Sub-Divisional Officer, Malbazar, lacks jurisdiction to adjudicate any dispute relating to the operation of the petrol pump.

It appears, however, that during the pendency of the present writ petition, the Sub-Divisional Officer, Malbazar, Jalpaiguri, issued notices to the parties and fixed February 2, 2026, for hearing.

The petitioner submits that he appeared on the date fixed for hearing, whereas Respondent No. 13 remained absent.

In view of the aforesaid facts and circumstances, I am not inclined to keep the present writ petition pending.

Accordingly, the writ petition is disposed of by directing the Sub-Divisional Officer, Malbazar,

Jalpaiguri, to fix a fresh date of hearing and notify all the parties concerned accordingly.

The parties shall be at liberty to produce all relevant documents in support of their respective claims.

After affording an opportunity of hearing to all the parties, the Sub-Divisional Officer, Malbazar, Jalpaiguri, shall pass a reasoned order in accordance with law.

Needless to observe, it shall be open to Respondent No. 13 to raise all objections available to him in law, including the issue of maintainability of the proceedings before the Sub-Divisional Officer, Malbazar, Jalpaiguri.

It is made clear that this Court has not expressed any opinion on the merits of the rival claims of the parties.

It is expected that the proceedings shall be concluded and a reasoned order be passed by the Sub-Divisional Officer, Malbazar, Jalpaiguri, as expeditiously as possible, preferably within a period of three months from the date of communication of this order.

Accordingly, **WPA 2083 of 2025** is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)