

05
30.06.2025
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 9162 of 2025

**Chandana Maity
-versus-
The State of West Bengal & Ors.**

**Mr. Subir Sanyal, Sr. Adv,
Ms. Sumouli Sarkar,
Mr. Sourajit Mukherjee.
...For the Petitioner.**

**Mr. Tanoy Chakraborty,
Mr. Saptak Sanyal.
...For the State.**

**Mr. Sukumar Ghosh,
Ms. Moumita Ghosh.
...For the Respondent No.6.**

1. Affidavit of service filed in Court today is taken on record.

2. The petitioner is running a Foreign Liquor On Shop from Dag No. 363, Mouza-Kola, Block-Panskura-II, J.L. No. 287, District-Purba Medinipur from the year 2004.

3. The petitioner claims to have taken the said land on lease from the private respondent. Presently, it has been brought to the notice of the petitioner that the land is owned by the Irrigation & Waterways Department.

4. Though the aforesaid department has not raised any formal objection with regard to the running of the said On Shop, but the District Magistrate has directed the petitioner to shift the shop to a different place. The petitioner is aggrieved by the same.

5. Specific case made out by the petitioner is that as the concerned department who is alleged to be the current owner of the subject plot has not raised any objection and does not have any project to be initiated at the subject premises in the immediate future, the petitioner is unnecessarily being targeted by the District Magistrate for eviction.

6. It has been submitted that there are several other shop rooms and commercial units, dwelling houses at the same plot of land and no steps have been taken against any of the persons occupying the said plot. It is only the petitioner who is being compelled for eviction.

7. Learned advocate appearing on behalf of the private respondent no. 16 submits that the private respondent is not the owner of Plot No. 363. He is the owner of Plot No. 364.

8. Learned advocate appearing on behalf of the State respondents submits that the petitioner does not have a vested right to run a liquor shop. The Irrigation & Waterways Department may use the said land for its own purpose. Enough time was given to the petitioner to shift his shop but he is deliberately resisting the shift.

9. It appears that, as on date, neither the private parties nor the Court has been intimated with regard to any project that may be set up by the Irrigation & Waterways Department in the subject plot of land.

10. The Irrigation & Waterways Department is directed to prepare and circulate a report by way of an affidavit by 11th July, 2025 disclosing as to whether Plot No. 363 will be immediately required by the Irrigation & Waterways Department for any project. The quantum of land in Plot No. 363 acquired by the Irrigation & Waterways Department shall be mentioned. Whether

any steps are taken for eviction against other occupants in Plot No. 363 (acquired portion) shall also be disclosed.

11. Re-List the matter on **22nd July, 2025**.

12. As the petitioners are carrying on the business from the subject place for a considerable period of time, accordingly, the respondent authorities are restrained from taking any coercive step against the petitioner and the petitioner shall be permitted to function till 30th July, 2025 or until further order, whichever is earlier.

13. The instruction forwarded by the Irrigation & Waterways Department dated 19th May, 2025 be retained with the records.

14. The communication dated 28th May, 2025 by the Superintendent of Excise, Purba Medinipur extending the period of functioning of the petitioner till 28th June, 2025 is also taken on record.

15. All parties are to act on the server copy of this order duly downloaded from the official website of this court.

16. Certified copy of this order, if applied for, shall be made available to the parties.

(Amrita Sinha, J.)