

30.06.2026
Item No.10
Ct. No. 19
RP

WPA/14646/2026
GOUR CHANDRA TUDU
VS
STATE OF WEST BENGAL AND ORS.

Mr. Tarapada Ghosh
... For the Petitioners

1. Affidavit-of-service filed in Court today on behalf of the petitioner is taken on record.
2. None appears for the State despite service.
3. In this writ petition the notice dated 16.06.2026 as issued by the respondent no.5 authority is under challenge.
4. At the time of hearing Mr. Das, learned counsel appearing for the petitioner at the very outset draws attention of this Court to page no.64 of the instant writ petition, being Annexure P-8. It is submitted that from the said document it would reveal that an eviction proceeding under West Bengal Public Land (Eviction of Unauthorized Occupants) Act 1962

("Act of 1962") is pending against the writ petitioner in respect of Mouza-Ranibandh, JL No.75, Vested Plot No.RS-721, LR Plot No.1014, Khatian No.1, Area-0.06 Acre. At this stage, attention of this Court is drawn to the page no.66 of the instant writ petition, being a copy of the order dated 29.11.2022, as passed by the respondent no.3 authority in the said eviction proceeding under the Act of 1962 wherefrom it would reveal that the said eviction proceeding is still pending.

5. At this juncture, attention of this Court is drawn to the Court to the copy of the impugned notice dated 16.06.2026 as annexed in page no.73 of the writ petition, it is submitted that despite pendency of the said eviction proceeding in respect of the selfsame plot of land the respondent no.5 authority has issued a fresh notice to the writ petitioner, which is impugned in this writ petition.

6. It is submitted further that since a proceeding under the Act of 1962 in respect of the selfsame plot of land is pending the subsequent notice dated 16.06.2026 cannot be allowed to stand. It is, thus, submitted that appropriate relief or reliefs may be granted to the writ petitioner in terms of the prayers made in the instant writ petition.
7. On careful consideration of the entire materials as placed before this Court and after hearing the learned advocate for writ petitioner this Court is of the considered view that the writ petitioner is successful in making out an arguable case. The instant writ petition is required to be heard.
8. In view of such, the respondent no.5 authority is directed to submit a report in the form of affidavit on the adjourned date. Let this matter be listed on 20th August, 2026 under the heading “Adjourned Motion”.

9. Considering the urgency as pleaded on behalf of the writ petitioner, let there be stay of operation of the impugned notice dated 16.06.2026 as issued by the respondent no.5 authority till the last date of September 2026 or till further order, whichever is earlier.
10. Since none appears on behalf of the respondent/State and its instrumentalities, the writ petitioner is directed to communicate the server copy of this order to the respondent no.5 authority by speed post and to file affidavit-of-service on the adjourned date.

(PARTHA SARATHI SEN, J.)