In the High Court at Calcutta

Constitutional Writ Jurisdiction

Appellate Side

16 15.10.2026

Sc Ct. no.19 *Case No.* : **WPA 26815 OF 2026**

In the matter of : **Sri Swapan Kumar Nayak**

.... Petitioner

VS.

The State of West Bengal & Ors.

....Respondents

For the Petitioner :

Mr. Debasish Das

....Advocate

For the Respondent/State :

Mr. Sujit Bhunia
Mr. Rhitam Chatterjee.

.....Advocates

1. Affidavit of service as filed today on behalf of the writ petitioner is taken on record.

2. The petitioner and the respondent State are represented by their respective counsel.

3. The writ petitioner is aggrieved on account of non-consideration of his prayer for Inter Departmental Transfer of land in favour of the Urban Development and Municipal Affairs Department ('UDMA', in short) under which the writ petitioner municipality is a para staller.

4. At the time of hearing learned advocate appearing on behalf of the writ petitioner at the very outset draws attention of this Court to page 26 of the instant writ petition being a copy of Memo dated 04.8.1998. It is submitted on behalf of the writ petitioner/municipality that as per the said Memo dated 04.8.1998 the then

jurisdictional SDO opined that the land involved in the instant writ petition may be transferred to the petitioner municipality and on the basis of such Memo, conversion was made as would be evident from pages 26 to 28 to the instant writ petition.

5. Drawing attention to pages 36 to 37 of the instant writ petition being a copy of the representation dated 08.8.2024, it is submitted on behalf of the writ petitioner/ municipality that upon such assurance of the respondent State the writ petitioner/ municipality has constructed a market complex on the said plot of land and in the said market complex there are several stalls which have been distributed to local traders and they are carrying on their business from there.

6. It is submitted on behalf of the writ petitioner/ municipality that despite such fact no steps have been taken by the Land and Land Reforms Department for Inter Departmental Transfer of the plot of land in question to UDMA, who in turn shall be obliged to transfer the land to the writ petitioner municipality.

7. It is submitted further that on account of non-transfer of the said land by way of Inter Departmental Transfer the jurisdictional SDO has initiated a proceeding under the West Bengal Public Land (Eviction of Unauthorised Occupants) Act, 1962 (the said Act in short) as would be evident from page 61 of the instant writ petition.

8. Learned advocate appearing on behalf of the respondent State upon instruction submits before this Court that the proposal for Inter Departmental Transfer of the plot in question involved in the instant writ petition is still pending.

9. In view of such, this Court while disposing of the instant writ petition directs the respondent nos. 1 authority to consider the writ petitioner's representation dated 08.8.2024, a copy of which has been annexed to pages 36 to 37 of the instant writ petition, in accordance with law and after giving due opportunity of hearing to the writ petitioner municipality and/or authority and shall pass a reasoned order and forthwith communicate the same to the writ petitioner municipality.

10. The entire exercise as indicated in the foregoing paragraphs shall have to be completed by the respondent no.1, authority positively within sixty working days from the date of communication of the server copy of this order. Time limit as fixed by the Court is peremptory and mandatory.

11. Considering the urgency of the situation this Court prohibits the jurisdictional SDO, the respondent no.11, to proceed with the Misc Case No.690 of 2025 till passing of a reasoned order by the respondent no.1 authority.

12. Liberty is given to the learned advocate on record of the petitioner to communicate the server copy of this order to the respondent nos.1, 11 and 12 authorities who are directed to act on the server copy of this order.

13. With the aforementioned observation the writ petition is disposed of.

14. Before parting with it is made clear that while disposing of the instant writ petition this Court has not gone into the merits of the representation as submitted by the writ petitioner on 08.8.2024 and all points are kept open for adjudication by the respondent no.1 authority.

(Partha Sarathi Sen, J.)