

08.09.2020

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Court No.11
Video Conference

W.P.A. No. 6332 (W) of 2020
with
IA No.: CAN 1 of 2020 [Old no.: CAN 4874 of 2020]
Brozo Mohan Mondal
– Versus –
The State of West Bengal & Others

Mr. Laxmikanta Bhattacharya,
Mr. Sudarshan Ghosh
... for the petitioner.

Mr. Bhaskar Prasad Vaisya,
Mr. Ranjan Saha
... for the State respondent nos.1, 2 & 3.

In view of the express undertaking of the petitioner to comply with all the formalities regarding filing including stamping of the petition immediately upon resumption of normal Court business and in view of the urgency pleaded, the application, being IA No.: CAN 1 of 2020 [Old no.: CAN 4874 of 2020], is allowed and the writ petition is taken up for hearing.

Mr. Bhattacharya, learned advocate appearing for the petitioner submits that the petitioner is the absolute owner of the land detailed in paragraph 2 of the writ petition. As the private respondents were raising construction upon encroaching upon such land, a complaint was lodged before the police authorities. Such illegal action of the private respondents was also brought to the notice of the panchayat authorities by a representation dated 17th October, 2018. As no

steps were taken thereafter, the petitioner was constrained to approach this Court by a writ petition, being W.P. no.22839(W) of 2018. The said writ petition was disposed of by an order dated 18th July, 2019 with a direction upon the Pradhan of the Bamangachi Gram Panchayat, South 24-Parganas to consider the petitioner's representation dated 17th October, 2018 and to take a decision in accordance with law. The Officer-in-charge, Joynagar Police Station was also directed to ensure that the private respondents do not carry on any further construction. Mr. Bhattacharya submits that in spite of the said order the respondent no.3 herein did not take appropriate steps to stop construction. Such fact was again brought to the notice of the police authorities by a complaint dated 30th July, 2020. The same has also not been considered and aggrieved thereby the petitioner has approached this Court.

Mr. Bhattacharya further submits that as the concerned Pradhan has not considered the petitioner's representation, a contempt application has also been filed and the same is pending.

Mr. Saha, learned advocate appearing for the State respondents categorically states, upon instruction, that the construction work over the

concerned plot of land by the private respondents has been stopped. On the basis of the petitioner's complaint dated 30th July, 2020, an FIR has been registered, being Joynagar Police Station case no.484 of 2020 dated 30th July, 2020. Let the written instruction, as produced, be kept on record.

Under such circumstances, I am of the opinion that no useful purpose will be served by keeping the writ petition pending and the same is disposed of directing the investigating agency to conduct investigation in the said Joynagar Police Station case no.484 of 2020 dated 30th July, 2020 in a fair and impartial manner and to conclude the same by an early date.

With the above observations and directions the writ petition is disposed of.

There shall, however, be no order as to costs.

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this court.

(Tapabrata Chakraborty, J.)