

16.03.2022
Item No.12
Court No.6.
AB

W.P.A. 7983 of 2020
With
I A CAN 1 of 2020

Anurup Panda

Vs

The State of West Bengal & Others

Mr. Somnath Roy Choudhury...for the Applicant.

Mr. Dibyendu Chatterjee,
Ms. Piyali Paulfor the Respondents.

In re : IA CAN 1 of 2020

This application has been taken out by the private respondents in the writ petition for recall of an order dated November 27, 2020, whereby WPA 7983 of 2020 was disposed of.

By the said order, the District Magistrate, Purba Burdwan was directed to conduct requisite enquiry on the basis of complaint made by the writ petitioner to the effect that the private respondents were running a brick field illegally by filling up a water body.

In this application, the applicant says that the brick field is situate in the district of Purba Medinipur. The District Magistrate, Purba Medinipur was not made a party in the writ petition. The District Magistrate, Purba Burdwan would not be the proper

authority to conduct any enquiry as directed by this Court. Hence, the order dated November 27, 2020 should be recalled.

Accordingly, the order dated November 27, 2020 is recalled. The District Magistrate, Purba Medinipur is added as a party respondent in the writ petition.

Learned Advocate for the petitioner shall make necessary amendment in the cause title of the writ petition.

We direct the added respondent being the District Magistrate, Purba Medinipur to conduct requisite enquiry on the basis of the complaint made by the writ petitioner and take appropriate steps, if any, in accordance with law.

No final decision or action will be taken by the added respondent without affording an opportunity of hearing to the writ petitioner, private respondents and any other concerned person.

Needless to say, if the allegations in the writ petition are found to be true, the added respondent will issue necessary orders to remedy the situation. Let such exercise be completed within two months from the date of communication of this order along with a copy of the writ petition by the writ petitioner to the added respondent.

We have not gone into the merits of the case. It will be for the added respondent to take an informed decision in accordance with law.

IA CAN 1 of 2020 stands, accordingly, disposed of.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Kausik Chanda, J.)

(Arijit Banerjee, J.)