

22.06.2021.
Item no. 72.
Court No.13
ap

**W.P.A. No. 866 of 2021
With
CAN 1 of 2021
And
CAN 2 of 2021
(Through Video Conference)**

**Sandhya De
Versus
The State of West Bengal & Ors.**

Mr. Debabrata Saha Roy,
Mr. Subhankar Das,
Mr. Neil Basu.

...For the petitioner.

Mr. Atish Kumar Biswas,
Mr. Amit Singh.

..For the proposed private respondent.

In Re: CAN 1 of 2021

CAN 1 of 2021 is allowed in view of the fact that the petitioner, namely, Ramkrishna Brahma, is a necessary and proper party to the instant proceeding.

In Re: W.P.A. No. 866 of 2021

The allegation of the petitioner is that the order of the Sub-Divisional Officer Sadar, Krishnanagar was not furnished to them formally, is difficult to digest. If the order itself was not served on the petitioner, the details as contained in the appeal annexed to the writ petition could not have been categorically agitated.

Be that as it may, since there is no clear evidence that the order of the Sub-Divisional Officer Sadar, Krishnanagar has been furnished to the petitioner, it is directed that the respondent no.4, namely, Sub-Divisional Officer Sadar, Krishnanagar

shall furnish a copy of his order dated 30th December, 2020 to the petitioner immediately upon receipt of a copy of this order.

The writ petitioner shall file a comprehensive appeal against the order of the Sub-Divisional Officer Sadar, Krishnanagar within 72 hours thereof. Prior service of the said appeal shall be made to the Counsel of Mr. Ramkrishna Brahma.

In view of the observations of a Co-ordinate Bench of this Court in the Order dated 12th January, 2021, the order of the District Magistrate dated 5th January, 2021 being Annexure – P/7 at page 32 of the writ petition, shall stand set aside. Case No. 01/R.M./2021 is restored to the file of District Magistrate, Nadia.

The District Magistrate, Nadia shall re-visit Case No. 01/R.M./2021. The District Magistrate shall hear the petitioner and/or her representatives and the respondent and/or their representatives.

The District Magistrate, Nadia shall, within a period of one month from the date of filing of the appeal by the petitioner, dispose of the same by a reasoned order. The same shall be communicated to the parties within seven days thereafter.

It is made clear that if the appeal is not filed by the writ petitioner within 72 hours of the receipt of the copy of the Sub-Divisional Officer Sadar, Krishnanagar, the order dated 5th January, 2021 shall

automatically stand revived and the order of the Sub-Divisional Officer Sadar, Krishnanagar shall stand confirmed.

It is further made clear that the time frame indicated hereinabove is peremptory and mandatory for all the parties to comply with.

With the aforesaid observations, the instant writ petition shall stand disposed of.

In view of the disposal of the above writ application, the connected application being CAN 2 of 2021 is also disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order on usual undertakings.

(Rajasekhar Mantha, J.)