

12  
25.01.2021.  
d.p/s.m.

**W.P.A 2235 of 2020  
(Via Video Conference)**

**Samir Bhattacharya  
-versus  
The State of West Bengal & Ors.**

**Mr. Srijib Chakraborty,  
Mr. D.Paul.  
...For the Petitioner.**

**Mr. Debabrata Saha Roy,  
Mr. Arka Kumar Nag,  
Mr. Subhankar Das.  
...For the BMC.**

**Mr. Rajarshi Basu,  
Mr. S.T. Mina.  
...For the State.**

The petitioner prays for implementation of the order that was passed by the Sub-Divisional Magistrate and Sub-Divisional Officer, Bidhannagar, North 24-Parganas on 6<sup>th</sup> January, 2015 in M.P. Case No. 346 of 2014, whereby the Executive Officer of the Bidhannagar Municipality was directed to make necessary arrangement for taking the possession of public land located in front and side of the permanent booth owned by the petitioner, after eviction of all the unauthorized occupants from the said public land.

The learned advocate appearing for the Bidhannagar Municipal Corporation, submits upon instructions, that steps were taken by the Municipal Corporation to evict the unauthorized occupants from the public land, however, the same could not be implemented due to resistance from the local people.

It appears from record that the order passed by the Sub-Divisional Magistrate on 6<sup>th</sup> January, 2015 was taken in appeal by the alleged encroachers. The said appeal stood disposed of on contest by the Additional Sessions Judge, 6<sup>th</sup> Court, Barasat, North 24 Parganas by a judgement dated 17<sup>th</sup> March, 2015 in Criminal Revision No. 08 of 2015 whereby the Court was of the opinion, that there is no scope to hear the instant criminal revision and it was held that the revisional application was not maintainable in the eye of law. It was observed that the revisionist did not choose the proper forum to seek redressal against the impugned order.

It appears that the said order attained finality and the same has not been executed by the erstwhile Bidhannagar Municipality, presently the Bidhannagar Municipal Corporation, till date.

The petitioner has made representations before the respondent authorities praying for implementation of the said order.

None of the representations of the petitioner have been answered till date.

In view of the above, the instant writ petition is disposed of by directing the Bidhannagar Municipal Corporation being the respondent No. 3 herein, to take necessary steps for implementation of the direction which was passed in the order dated 6<sup>th</sup> January, 2015 within a period of eight weeks from the date of communication of a copy of this order.

The Write Up handed over by the Joint Municipal Commissioner, Bidhannagar Municipal Corporation to their learned advocate is retained with the records.

Apart from the issue of implementation of the order dated 6<sup>th</sup> January, 2015, no other issue is being decided by this Court, at this stage, in the instant writ petition.

W.P.A. 2235 of 2020 is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

**( Amrita Sinha, J.)**