

Item No. 118

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(via video conference)

23.03.2021
Ct-24

W.P.A. 3773 of 2021
Amal Kumar Majhi
v
The State of West Bengal & Ors.

Mr. Timir Baran Saha
Mr. Sudip Sarkar
... for the petitioner.

Mr. Samrat Sen
Ms. Mahali Ali
... for the State.

Mr. Mohinoor Rahaman
Ms. Maria Rahaman
... for the respondent no. 5.

The petitioner challenges the jurisdiction of the Executive Officer of the Nawda Panchayat Samiti to issue the impugned eviction notice dated January 27, 2021.

The specific case of the petitioner is that the Executive Officer of the Panchayat Samiti does not have any jurisdiction to issue the notice of eviction. According to the petitioner the Unnayan Parikalpana O Bhumi Sanskar Sthayee Samiti is the appropriate authority to take a decision in the matter.

The learned advocate representing the Panchayat Samiti submits that the Sthayee Samiti of the Panchayat Samiti had taken a resolution and authorized the Executive Officer of the Nawda Panchayat Samiti to take necessary steps in the matter. However, the eviction notice impugned in the writ petition does not speak of any authorization in favour of the Executive Officer.

The learned advocate representing the State respondents does not have any instruction in the matter.

As the impugned eviction notice appears to be prima facie bad in law as the Executive Officer independently does not have any authority to issue such notice, accordingly, the same stands set aside.

It will be open for the respondent authorities to take appropriate necessary steps, strictly in accordance with law.

WPA 3773 of 2021 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)