

10.02.2021
Item no. 13
Aloke
Ct. no.38

(Through Video Conference)

AST 17 of 2021

Sri Bibhuti Bhushan Mahapatra
Versus
The State of West Bengal & Ors.

Mr. Kallol Mondal
Mr. Srijib Chakraborty
Mr. Krishan Ray
Ms. Amrita Chel
Mr. Souvik Das
Mr. Anamitra Banerjee
... for the petitioner
Mr. Chandi Charan De, Id. AGP
Mr. Somenath Mukherjee
... for the State

The petitioner says that he purchased 6.6 decimal of land through two purchased deeds. He has drawn my attention to such deeds. He has also drawn my attention to the municipal tax receipts and the khajna receipts which are in his name. This prima facie establishes that the petitioner is the owner of the land in question and he is in possession. The petitioner says that without initiating any proceeding against the petitioner either under the Highways Act or the Acquisition legislations or any other relevant statute, the PWD department suddenly came and marked a portion of the residential building of the petitioner standing on the land in question for the purpose of demolishing the same which the petitioner came to know from public announcements made in

the locality. Hence, the petitioner is before this Court by way of this writ petition.

Learned Advocate for the State in his usual fairness says that it is correct that no proceeding has been initiated by the State and without following due process of law the State cannot demolish the property of a citizen. He, however, points out that a representation dated January 30, 2021 (Annexure P-2 to the writ petition), has been made by the petitioner, addressed to various officials in the administration including the District Magistrate and District Collector, Paschim Medinipur, being the respondent no. 3. He submits that the said representation may be directed to be disposed of before any action can be taken by the State. I find the suggestion of learned counsel for the State to be fair and reasonable.

Accordingly, I direct the respondent no. 3 to take a reasoned decision on the representation dated January 30, 2021, made by the petitioner (Annexure P-2 to the writ petition), in accordance with law, within a period of four weeks from the date of receipt of a copy of this order along with a copy of the writ petition, after giving an opportunity of hearing to the petitioner or his authorized representative and any other concerned party. The decision so taken shall be communicated to the petitioner within a week from

the date of the decision. It is made clear that no adverse action will be taken against the petitioner or his property by the State administration before disposing of the aforesaid representation of the petitioner. In the event the decision of the respondent no. 3 goes against the petitioner, no effect will be given thereto for a fortnight from the date of service of a copy of such order on the petitioner.

I have not gone into the merits of the petitioner's case. The respondent no. 3 shall take an informed decision in accordance with the applicable laws.

With the aforesaid direction, the writ petition is disposed of.

Since no affidavit has been called for, none of the allegations in the writ petition shall be deemed to have been admitted by the respondents.

(Arijit Banerjee, J.)