

01.12.2021
Court No.13
Item No.1
AP

WPA 5104 of 2021
Sunil Kumar Mandal @ Sunil Mandal
Vs.
The State of West Bengal and Ors.

(Through Video Conference)

Mr. Uday Narayan Betal

... For the Petitioner.

Mr. Soumitra Bandyopadhyay

Mr. Aniruddha Sen

... For the State.

Mr. Rajdeep Bhattacharya

... For the Respondent No.6.

Mr. Amalendu Biswas, IC, Contai Police Station, is personally present in Court.

There is no valid explanation for the delay in complying with the orders of the successive Benches of this Court. Be that as it may, a report in the form of affidavit on behalf of the State respondent No.3 has been filed today. The same is taken on record.

It is further submitted that the fencing in the area has been removed and proceedings under Section 107 of the Code of Criminal Procedure have been taken out. There is peace and tranquility in the area. The Officer-in-charge, Contai Police Station shall maintain regular vigil over the locale and ensure that there is no breach of peace.

The inspector-in-charge, Contai Police Station is warned against repeating the aforesaid conduct. Orders of

the High Court are required to be complied with urgency and expedition.

The order calling upon the Superintendent of Police, Purba Medinipur to be present and communication to the Home Secretary, West Bengal and Advocate General shall be kept in abeyance.

Learned counsel for the petitioner by reference to his supplementary affidavit submits that on 3rd September, 2021 the District Magistrate, Purba Medinipur has asked the B.L. & L.R.O., Contai-I Development Block to submit a report.

It also appears that in MS Case No.1493 of 2021 the B.L. & L.R.O. was directed to demarcate the plot and send a report to the District Magistrate.

This Court notes with anguish the inaction on the part of the B.L. & L.R.O., Contai-I Development Block.

The District Magistrate, Purba Medinipur shall immediately take stock of the situation and ascertain as to why the B.L. & L.R.O., Contai-I Development Block has not filed a report or complied with the order of demarcation.

Appropriate proceedings if necessary shall be drawn up against the said B.L. & L.R.O., Contai-I Development Block. The petitioner and the counsel for the State shall communicate a copy of this order to the District Magistrate, Purba Medinipur.

The Civil Judge (Junior Division), 1st Court, Contai shall pass appropriate orders on the basis of his own enquiry in the suit being TS No.24 of 2021 as regards the mutual rights and title of the parties uninfluenced by any of the observations made hereinabove.

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

Since the respondents have not used any affidavit, the allegations made in this writ petition shall not be deemed to have been admitted by them.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)