

21-06-2021

ct no. 13

Sl.100

pk/akd

**WPA 8677 of 2021
(Through Video Conference)**

**Shri Pradip Hait and others
Versus
State of West Bengal and others**

**Ms. Kabita Mukherjee,
Mr. Manas Das Gupta**

... for the petitioners.

Mr. Susovan Sengupta

... for the State

It is submitted by counsel for the petitioners that a public road has been constructed by the respondent no. 3, W. B. S. R. D. A. on land on which the petitioners have been running a haat/market for about 100 years.

Counsel for the State respondents submits that as per his clients' record, there was no such haat in the said premises.

There are some photographs and documents produced by the petitioners which cannot be taken into cognizance under Article 226 of the Constitution of India. The petitioners have made a representation, inter alia, to the District Magistrate, Purba Midnapore on 24.02.2021 that is annexed at page 33 to the writ application.

In the above circumstances, given the fact that about 22 persons have come forward with

a common cause of action and prayer, this Court directs the District Magistrate, Purba Midnapore to consider the representation of the petitioners dated 24.02.2021 and dispose of the same in accordance with law by a reasoned order within a period of two months from the date of communication of a copy of this order.

The petitioners as well as the Executive Engineer, P & R D Department, W. B. S. R. D. A. shall be heard by the District Magistrate, Purba Midnapore before any order is passed.

It is made clear that this Court has not gone into the rival claims of the parties and the District Magistrate, Purba Midnapore shall decide strictly in accordance with law and applicable Rules.

The prayer made by the counsel for the petitioners for stay of construction of road is considered and rejected.

With the aforesaid observations, the writ petition is 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 undertaking.

(Rajasekhar Mantha, J.)

