

10.11.2021
Item No.17
Court No.6.
AB

Through Video Conference

M. A. T. 477 of 2021

With

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Nisith Kumar Singha & Others

Vs

The State of West Bengal & Others

Mr. Amit Kumar Pan,
Ms. Tanusri Santra ...for the Appellants.

Mr. Dinesh Chandra Nandy
...for the Respdt 7 & 8.

Mr. Soumitra Bandyopadhyay,
Mr. Subhasis Bandyopadhyayfor the State.

The writ petitioners had approached the learned Single Judge with a grievance that in the garb of constructing an approach road, the respondents were taking possession of their land illegally. An interim order dated March 5, 2021 was passed by the learned Single Judge, the operative portion whereof reads as follows :

“The confidence of the petitioners inspires this Court to direct the Assistant Engineer PWD Roads, the respondent No.5 herein, to cause an inspection of the said R.S. Plot No.56 to ascertain whether the said Dag has been exploited in any manner in execution of the aforesaid work and to file report of his such inspection before this Court

through the learned advocate for the State respondents on the next date of hearing.

The said inspection shall be conducted upon prior notice to the petitioners and the petitioners are free to participate in the said inspection but would not cause any disturbance in the said inspection.”

This order has been impugned in the present appeal. Learned Advocate for the appellants submits that taking advantage of the observation in the order that the petitioners shall not cause any disturbance in the inspection, in effect the petitioners were not allowed to participate in the inspection at all.

The other grievance of the appellants is that copy of the report of the District Magistrate, Paschim Medinipur, as mentioned in the impugned order, as also copy of the report filed on behalf of the respondent nos.7 and 8 have not been made over to the appellants or their learned Advocates. Such submission is disputed by learned Advocate for the State.

Be that as it may, let copy of the report of the District Magistrate be made over to learned Advocate for the writ petitioners by learned Advocate for the State.

Copies of all reports filed by the respondents before the learned Single Judge, as referred to in the

order dated March 5, 2021, should be made available to the writ petitioners and/or their learned Advocates.

As regards the grievance of the appellants regarding they not being permitted to effectively participate in the inspection, the appellants may raise such grievance before the learned Single Judge and may also file their exception to any report that may have been filed on behalf of the respondents before the learned Single Judge.

We find no reason to interfere with the order under appeal. We have not gone into the merits of the case. All points are left open.

The appeal and the stay application are, accordingly, disposed of.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Subhasis Dasgupta, J.)

(Arijit Banerjee, J.)