

August 04, 2021

ARDR

(46)

WPA 10039 of 2021

Basiruddin Mallick

Vs.

The State of West Bengal & Ors.

Mr. Rajendra Banerjee,

...for the petitioner.

Mr. Chandi Charan De,

Ms. Reshmi Rahman,

Mr. Anirban Sarkar,

...for the State.

The grievance of the petitioner is directed against an order dated 5th April, 2021 passed by the respondent no.4. By the impugned order the respondent no.4 directed the petitioner to remove the unauthorised encroachment on Government land.

The petitioner assails the said order on the ground that the said order is contrary to an earlier order of Court passed in WPA 5378 of 2021.

It is submitted on behalf of the petitioner that since the matter was subjudice, the respondent no.4 has no authority whatsoever to pass the impugned order.

Mr. De appearing for the State submits a status report in respect of the steps taken by the respondent no.4.

I have heard the parties.

In my view there is no infirmity whatsoever which warrants any interference with the impugned

order. I find no procedural impropriety nor perversity nor illegality which justifies any interference with the impugned order.

The impugned order is passed for removal of unauthorised encroachment on Government land. There is nothing which the petitioner has been able to demonstrate as to why the impugned order warrants any interference whatsoever.

I also do not find any merit in the contentions of the petitioner that the impugned order is contrary or in violation of any earlier order passed by this Court.

Hence, I find no merit in the writ petition.

WPA 10039 of 2021 is dismissed.

The status report filed by the State be kept with the records.

(Ravi Krishan Kapur, J.)