

30-06-2021

ct no. 13

Sl. 25

akd/pk

**WPA 10663 of 2021
(Through Video Conference)**

**Malek Mallick
Versus
State of West Bengal and others**

Sk. Sahjahan Ali
... for the petitioner.

Mr. Bharat Chandra Simai
... for the State.

Counsel for the writ petitioner submits that the private respondents have effected illegal construction on the government land. He has made a representation to the authorities on 08.06.2021 being Annexure P3 to the writ application. It is submitted that the Executive Engineer, Tamluk Highway Division has not yet taken cognizance of the same nor has the same been disposed of.

Counsel for the private respondents submits that the writ petitioner does not have locus standi to maintain the instant writ application because he is not even the owner of the property that he claims to be. It is submitted that the proceeding under Section 8 of the West Bengal Land Reforms Act being J.

Misc. Case No. 13 of 2021 is now pending before the learned Additional Civil Judge (Junior Division), Purba Midnapore in this regard.

This Court is of the view that the pendency of the proceeding under Section 8 has got nothing to do with the grievance of the petitioner against the private respondents made before the learned Executive Engineer, Tamluk Highway Division.

In those circumstances, the said Executive Engineer being respondent no. 3 herein shall consider the writ petitioner's representation dated 08.06.2021 and dispose of the same in accordance with law within a period of two months from the date of communication of a copy of this order.

The private respondents shall be heard by the Executive Engineer.

It is made clear that pending proceedings shall continue before the Learned Additional Civil Judge (Junior Division) (supra) in accordance with law.

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.)