

November 29, 2021

ARDR

(28)

WPA 15687 of 2021

Tapan Kumar Manna & anr.

Vs.

The State of West Bengal & Ors.

Mr. Tarun Kumar Das,

Mr. Panchanan Hazra,

...for the petitioner.

Mr. Chandi Charan De,

Mr. Anirban Sarkar,

...for the State.

Affidavit of service filed by the petitioners be taken on record.

None appears on behalf of the private respondents despite service.

Heard the learned counsels for the parties.

It is submitted on behalf of the petitioners that vide order dated 11th February, 2021 in WPA 10808 of 2020, a coordinate Bench of this Court disposed of the writ petition filed by the petitioners with a direction upon the Executive Engineer, Irrigation and Waterways Directorate, West Midnapur to consider the representation of the petitioners dated September 22, 2020 and dispose of the same by a reasoned order. The said authority was also directed to take an informed decision in accordance with law and take appropriate steps for remedy of the petitioners' grievance. In compliance with the said order, the

Executive Engineer, (Irrigation and Waterways Department, Paschim Medinipur Division, Medinipur) disposed of the application on 12th May, 2021 with the following observations:

“A minimum entry points, at least two locations along the common boundary of the petitioners plot (plot no.493 and 502), from plot no.507 and 508, width of each entry not less than 5.00 M. by removing fencing and plants should be created by the Executive Engineer, K.K.B. Project Division with the help of the Block-Development Officer, Sabang Block and O.C. of Sabang P.S.

The removed plant or, at least equal number of plant should be replanted by the petitioner at their won vacant land or, in the Irrigation and made available by the Executive Engineer, K.K.B. Project Division, Sabang, B.D.O., Sabang Block, and O.C., Sabang Police Station will provide man power and security when demanded by the concerned Sub-Division Office of K.K.B. Project Division for implementation of this order.

A compliance report should be submitted by all concerned to the under signed in due course.”

The record further reveals that pursuant to the order, the Sub-Divisional Officer, K.K.B. Project, Sub-Division No.III (Irrigation and Waterways Department) made several attempts for demarcation of the land, but was resisted by local persons. The Sub-Divisional Officer wrote to the Officer-in-Charge, Sabang Police Station for necessary police assistance in order to comply with the order of the Executive Engineer as well as this Court, but no such assistance was rendered by the police. The petitioners pray for a direction upon the police for rendering such assistance.

It is submitted by the learned counsel for the State authorities that the Superintendent of Police,

Paschim Medinipur (respondent no.21 herein) be directed to look into the matter.

Having considered the submissions made on behalf of the parties and the material on record, this Court is of the view that as the relevant order was passed in compliance with a direction of this Court, it is incumbent upon the police authority to render all necessary assistance for implementation of the same.

Accordingly, the writ petition is disposed of with a direction upon the respondent no.21 to take urgent necessary steps for implementation of the order of the Executive Engineer (Irrigation and Waterways, Paschim Medinipur Division), dated 12th May, 2021 at the earliest in terms of the order dated 12th May, 2021 as well as the letter dated 7th August, 2021 within a period of two months from the date of communication of this order.

With such observation, WPA 15687 of 2021 is disposed of. However, there shall be no order as to costs.

Since no affidavits are invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be furnished to the parties on usual undertakings.

It is expected that the State respondents shall extend full cooperation to respondent no.21 in completion of such exercise.

(Suvra Ghosh, J.)