

Item No.151

07.12.2021
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(via video conference)

WPA 17047 of 2021
Abdur Rahim

v.

The State of West Bengal & Ors.

Mr. Prosenjit Mukherjee
Mr. Nirmalya Kumar Das
Mr. Jahangir Hossain
... for the petitioner.

Mr. Susovan Sengupta
Mr. Subir Pal
... for the State.

Mr. Partha Pratim Roy
Mr. Dyutiman Banerjee
... for the private respondents.

The grievance of the petitioner is that the respondent no. 7 is running a petrol pump in an agricultural land without obtaining necessary conversion of the same under the provision of the West Bengal Land Reforms Act, 1955.

It is the further contention of the petitioner that the provision of Rule 31 (1) of the West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004 has not been complied at the time of granting licence of the petrol pump.

The petitioner through his learned advocate filed a representation before the District Magistrate and

Collector, North 24-Parganas and before the Chief Divisional Retail Sales Manager, Indian Oil Corporation Limited by letter dated August 17, 2021. Prior to the demand notice given by the learned advocate for the petitioner, the petitioner himself filed representation before the Chief Divisional Retail Sales Manager, Indian Oil Corporation Limited and the District Magistrate & Collector, North 24-Parganas on March 2, 2021.

The grievance of the petitioner is that none of the representations have been considered by the respondent authorities till date.

Learned advocate representing the private respondents opposes the submission of the petitioner and submits that necessary order of conversion has been passed and the application of the private respondents was allowed by Indian Oil Corporation Limited after consideration of the relevant documents. It has been submitted that the petrol pump is functioning on and from 2019.

Be that as it may, as it appears that an objection has been raised by way of representation filed by the petitioner in March 2021 and thereafter by demand justice notice in August 2021, accordingly, no useful purpose will be served by keeping the writ petition pending.

The writ petition is disposed of by directing the District Magistrate & Collector, North 24-Parganas being the respondent no. 1 and the Chief Divisional Retail Sales Maintenance Manager being the respondent no. 2 herein to consider and dispose of the representation filed by the petitioner strictly in accordance with law, at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order.

The District Magistrate & Collector, North 24-Parganas shall take into consideration the records from the office of the Block Land & Land Reforms Officer, Deganga Development Block to ascertain whether conversion of the land has been made in accordance with law.

The aforesaid respondents shall afford an opportunity of hearing to the petitioner and all other necessary parties at the time of consideration of the representation of the petitioner.

The said respondents shall pass a reasoned order and communicate the same to the parties immediately thereafter.

It is made clear that this Court has not entered into the merits of the claim of the petitioner and all points are left open to be decided at the time of consideration of the representation of the petitioner.

The petitioner is directed to forward a copy of the representation dated March 2, 2021 at the time of communicating the order of this Court.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)