

Court No. 24
20.01.2021
(Item No. 41)
(AB)

W.P.A 19947 of 2019
Abdul Sabur @ Sabur Molla & Ors.

vs
The State of West Bengal & Ors.

Mr. Md. Hasanuzzaman
...for the Petitioner

Mr. Biswabrata Basu Mallick
Ms. Rajlakshmi Ghatak
.... for the State

The petitioners are aggrieved by the work order, which was sanctioned under the Mahatma Gandhi National Rural Employment Scheme 2017-2018, Code No. 228050116190211HRC 6044/883 for Purba Nayapara.

The petitioners allege that a public road has been constructed over their private land without obtaining their consent.

The petitioners raised an objection before the respondent authorities praying for recalling the work order by a representation dated 26th August, 2019.

The petitioners complain that their representation has not been considered by the respondent authority till date.

The learned advocate representing the State respondents submits, upon instructions, that the land of the petitioners could not be properly identified and accordingly it was not possible on the part of the respondents to take necessary

action pursuant to the complaint lodged by the petitioners.

A report has been filed by the Block Programme Officer, Mongalkote Development Block wherein he has requested the complainants; i.e. the petitioners herein to provide the details of the data regarding his complaint otherwise it would be difficult for him to identify the said complaint.

It appears from records that the petitioners have made a detailed representation disclosing the plot number in their letter dated 26th August, 2019. The same is pending consideration at the end of the respondents.

In view of the above, the instant writ application is disposed of by directing the respondent No. 4 being the District Magistrate, Purba Bardhaman to consider the representation which was filed by the petitioners, strictly in accordance with law, after giving an opportunity of hearing to the petitioners and all other necessary parties within a period of three months from the date of communication of a copy of this order.

The said respondent shall pass a reasoned order and communicate the same to the

petitioners and all other necessary parties immediately thereafter.

It is made clear that this Court has not gone into the merit of this case and all points are left open to be decided by the said respondent at the time of consideration of their representation.

The petitioners are directed to forward a copy of their representation dated 26th August, 2019 along with the supporting documents to the District Magistrate, Purba Bardhaman at the time of communication of this order.

The writ petition stands disposed of.

The instructions given by the Block Programme Officer, Mongalkote Development Block are retained with the records.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

(Amrita Sinha, J.)