

D/L
Item No.12
19.03.2021
AP/Kole

WPA 20549 of 2019
Asish Mahapatra & Ors.
-Vs-
The State of West Bengal & Ors.

Mr. Soumen Dutta,
Mr. Subhadeep Chatterjee,
Mr. Subham Dutta,

...for the petitioners.

Mr. Jahar Lal Dey
Mr. Shamim Ul Bari,

...for the State.

Affidavit of service filed in court today be kept on record.

Mr. Soumen Dutta, learned Advocate representing the writ petitioner claims that a portion of the village land which has been used by the villagers at large for their cattle feeding, are sought to be converted otherwise without following the due process of law, by the State respondents. Such land is a vested land.

Several representations were made before the respondent authorities, however, no step had been taken thereon. The representations appended to the writ petition are all written in Bengali. No translated version has been annexed to the writ petition. Learned Advocate for the writ petitioner read over and explained these representations to this Court in presence of Mr. Jahar Lal Dey, learned Advocate representing the State respondents.

Considering the submissions of the parties, in our view, the justice would be sub-served if direction is made to consider the representations at page 26 and 27 of the writ petition by the District Magistrate through any of his competent officer.

The District Magistrate through such competent officer will give a hearing upon a notice of at least seven days to be served on the writ petitioner no. 1. After giving adequate opportunity of hearing to the writ petitioner No.1 or through an authorized representative of the writ petitioners and the private respondents, the District Magistrate through his competent officer will dispose of the representations of the writ petitioners and will pass a reasoned order thereupon and communicate the same to the writ petitioner no. 1 forthwith.

The above exercise must be carried out on or before May 31, 2021. Till such exercise is carried out no further steps be taken by the state authority in respect of the subject land.

A copy of this writ petition including all annexures along with a copy of this order must be served on the concerned District Magistrate for his consideration as directed above.

Since no affidavit has been filed in this writ petition, the allegations made therein are deemed not to have been admitted by the respondents.

In the light of the above, the present petition being WPA 20549 of 2019 stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Thottathil B. Radhakrishnan, CJ.)

(Aniruddha Roy, J.)