

05.02.2021
Item no. 37
Aloke
Ct. no.38

(Through Video Conference)
W.P.A. 8719 of 2020

Sri Meghnad Rana @ Megnad Rana
Versus
The State of West Bengal & Ors.

Mr. Shamik Chatterjee
... for the petitioner
Mr. Chandi Charan De, Id. AGP
Mr. S. Bhattacharyya
... for the State
Mr. Shiv Shankar Banerjee
Ms. Sanchita Barman Roy
... for Eastern Coalfields Ltd.

The writ petitioner owns a plot of land, which according to him, Eastern Coalfields Ltd. has encroached upon for converting it into a playground. The petitioner has made a representation dated September 25, 2020 (Annexure P-6 to the writ petition) addressed to the General Manager, Sonapur Bazari Project, Eastern Coalfields Ltd. as also to the Senior Manager Personnel of that company, ventilating his grievance. He submits that such representation should be disposed of at an early date.

Mr. Banerjee, learned Advocate, appearing for the Coal company submits that a civil suit is already pending

in respect of the same plot of land where the petitioner as plaintiff has claimed declaration of title and permanent injunction. Hence, this writ petition should not be entertained. He also submits that an earlier writ petition involving the same cause of action, was not entertained by this Court.

It is not disputed that a civil suit is pending in respect of the same plot of land which is the subject matter of the present writ petition. However, Eastern Coalfields Ltd. is not a party to that suit. Hence, it may not be inappropriate to direct the respondent no. 8 to dispose of the petitioner's representation dated September 25, 2020.

Accordingly, I direct the respondent no. 8 to take a reasoned decision on the petitioner's representation dated September 25, 2020 (Annexure P-6 to the writ petition), in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order along with a copy of the writ petition, after giving an opportunity of hearing to the petitioner or his authorized representative. The decision so taken by the respondent no. 8 shall be communicated to the petitioner within a week from the date of the decision.

I have not gone into the merits of the petitioner's grievance. The respondent no. 8 shall take an informed decision in accordance with law.

With the aforesaid direction, the writ petition is disposed of.

Since no affidavit has been called for, none of the allegations in the writ petition shall be deemed to have been admitted by the respondents.

(Arijit Banerjee, J.)