

WPA (P) 193 of 2022

**Chittaranjan Ghosh & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Malay Bhattacharyya
Mr. Subhrajyoti Ghosh
... for the petitioners
Mr. Jahar Lal De
Mr. Supratim Dhar
... for the State

The affidavit of service filed by the petitioners is taken on record.

The grievance of the petitioners is that there exists a cremation ground as also a pond as per record of rights situated at Dag no. 1887 and 1867 respectively under Mouza Katora, District Bankura.

Submission of learned counsel for the petitioners is that in respect of the alleged area, earlier WP 17581 (W) of 2017 was filed before the Division Bench of this Court, wherein the order dated 6th July 2018 was passed by issuing a direction to the BL & LRO, Patrasayer, Bankura to ensure that the pond is restored to its original state and character and further so far as cremation ground is concerned, the direction was issued to the said BL & LRO to conduct enquiry into the allegation of the petitioner to the effect that the private respondents were encroaching on part of the cremation ground and further direction to remove the encroachment if the allegations are found to be correct.

Submission of learned counsel for the petitioner is that in spite of the aforesaid direction of this Court, no action has been taken to restore the pond and cremation ground to its original position.

At this stage, learned counsel for the petitioner has referred to a mass representation dated 11th October 2018 addressed to the District Magistrate, Bankura and has submitted that since the BL & LRO is not complying with the direction of this Court, therefore, the District Magistrate be directed to consider the representation and ensure that the order of the High Court is complied with.

The fact that the order of the High Court has not been complied with is disputed by learned counsel for the State.

Having regard to the allegations which have been made and considering the fact that the allegations and counter allegations require factual enquiry, we dispose of the present writ petition directing the respondent no. 2, District Magistrate, Bankura to duly consider and take appropriate action on the petitioners' representation dated 11th October 2018 in accordance with law as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.

The petitioners are directed to submit fresh copy of the above representation along with a copy of this order to the respondent no. 2.

Needless to say that the District Magistrate, Bankura will conduct an enquiry in respect of the allegation, if the same is required.

The writ petition is accordingly disposed of.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)