

27.06.2022
Item No.94
Court No.6.
S. De

M.A.T. 720 of 2022
I.A. No. CAN 1 of 2022

Prabhakar Changdar.
Vs
Rabindranath Changdar & Ors.

Mr. Gopal Chandra Ghosh,
Ms. Jayeta Kaunda Mitra,
...for the appellant.

Mrs. Pampa Dey (Dhabal),
...for the respondent no.1.

By consent of the parties, the appeal and the connected application are taken up together for hearing.

The writ petitioner/respondent approached the learned Single Judge with the grievance that the appellant herein who was the private respondent in the writ petition, was making illegal construction on the disputed plot of land without obtaining conversion. The writ petitioner submitted before the learned Single Judge that he had made several complaints before the concerned Block Land and Land Reforms Officer and the District Land and Land Reforms Officer. But such complaints have gone unnoticed. The learned Judge disposed of the writ petition by directing the concerned District Land and Land Reforms Officer to consider the representations of the writ petitioner and dispose of

the same after affording an opportunity of hearing to all concerned parties. The private respondent in the writ petition has come up in appeal.

It is submitted on behalf of the appellant that an application of the appellant for conversion of the disputed land is pending before the Collector. It is also submitted that such application should be disposed of at an early date.

We are of the view that this is an innocuous prayer. We direct the respondent no.4 being the District Magistrate and Collector, Hooghly to consider and dispose of any representation that the appellant may have made to him/her, in accordance with law and pass a reasoned order within six weeks from the date of receipt of a copy of this order after giving an opportunity of hearing to all concerned parties including the writ petitioner herein. The decision so taken shall be communicated to the concerned parties within a week from the date of the decision.

We have not gone into the merits of this case at all. The District Magistrate and Collector shall take an informed decision, in accordance with law.

Since we have not called for affidavits, the allegations contained in the stay petition are deemed not to be admitted.

MAT 720 of 2022 is, accordingly, disposed of along with the connected application being IA No. CAN 1 of 2022.

Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance with all the necessary formalities.

(Rai Chattopadhyay, J.)

(Arijit Banerjee, J.)