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jdt.

05.08.2022
jb.

W.P.A. 14241 of 2021
(Mantu Gopal Deogharia & Anr. vs. State of West Bengal & Ors.)

Mr. Rahul Karmakar
Ms. Tannistha Bandyopadhyay
Mr. Sounak Mukherjee
.... For the Petitioners

Mr. C. C. De
Mr. Soumitra Bandyopadhyay
Mr. Priyabrata Batabyal
.... For the State

The primary prayer of the petitioners in the writ petition is for compliance of the order passed by a co-ordinate Bench of this Court on 31st July, 2019 in W.P.2819(W) of 2018. The operative portion of the said order is set out:-

“Under such circumstances, without going into the merit of the claim of the petitioners as to title and possession, this writ petition is disposed of with a direction upon the District Land and Land Reforms Officer, Bankura, the respondent no. 5 herein, to prepare and correct the LR map with regard to the disputed area over which the super speciality hospital has been constructed. The area vested upon the State will be demarcated. Such exercise shall be undertaken in front of the petitioners as also the concerned authorities and the Amin.

Petitioners will render their co-operation to show the exact area over which they, i.e. the

petitioners, are claiming possession and title. The measurement will be made by the Amin with the help of the records of the office of the respondent no. 2 and also the deeds of the petitioners. Thereafter a reasoned decision should be forwarded to the petitioners with regard to their claim.

Upon correction of the LR Map and demarcation, if it is found that there has been any encroachment, then the petitioners will be at liberty to take appropriate steps in accordance with law.

The entire exercise should be completed within a period of three months from the date of communication of this order.”

It is most unfortunate that the said order has not been complied with by the authorities as yet.

In view of the same, the writ petition is disposed of directing the 6th respondent to comply with the order of this Court passed on 31st July, 2019 in W.P.2819(W) of 2018 within two months from the date of communication of this order after giving reasonable opportunity of hearing to the interested parties including the petitioners, in accordance with law.

The decision taken by the authority shall be communicated to the petitioners within a week thereof.

W.P.A. 14241 of 2021 is thus disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)