

August 16, 2022
AD 27
Court No.1
SG

WPA(P) 293 of 2022

Satish Sau and another
vs.
The State of West Bengal and others

Mr. N.I. Khan,
Mr. A.K. Mukherjee, Advocates
... for the petitioners

Mr. Pantu Deb Roy, Id. AGP,
Mr. Subrata Guha Biswas, Advocate
... for the State

The grievance raised in this petition is as against shifting of Tamluk-Panskura Bus-stand near Tamralipta Municipality to Central Bus-stand, Tamluk. The petitioner has also raised grievance against the order dated 19.05.2022 issued by the District Magistrate, Purba Medinipur in this regard.

It is undisputed that subsequent to the filing of the present public interest petition, one Sk. Abdul Kalam had filed WPA 12968 of 2022 which came up before learned Single Judge, who by passing the order dated 04.07.2022 has duly considered this issue and has held as under:

“Hence, read together, the aforesaid provisions clearly indicate that the District Magistrate had the authority to come to a decision regarding shifting of the bus stand, keeping in view the interest of public safety and convenience.

Hence, the merit of such decision cannot be interfered with.

However, the latter portion of the impugned order dated May 19, 2022, whereby the District Magistrate directed implementation of such decision, *inter alia*, by directing the Officer-in-Charge of Tamluk Police Station, to provide all sorts of police assistance during shifting of bus stand, simultaneously with directing the shifting and prior to notification, has to be struck down.

In view of the above observations, WPA 12968 of 2022 is disposed of by modifying the impugned order of the District Magistrate dated May 19, 2022 to the extent that the directions to implement the decision of the District Magistrate as regards shifting of bus stand shall not be implemented immediately, either by the Officer-in-Charge of Tamluk Police Station or otherwise, until and unless the said decision is published in the Official Gazette.”

It is also pointed out that against the order of learned Single Judge, no appeal has been preferred.

Hence, in view of the order of learned Single Judge passed in WPA 12968 of 2022, we find that the grievance which has been raised by petitioner in this public interest petition no longer survives. Accordingly, the petition is disposed of by taking note of the order of learned Single Judge as quoted above.

[Prakash Shrivastava, C.J.]

[Rajarshi Bharadwaj, J.]