

28. 22.03.2022
Ct. No.06
Tanmoy

C.P.A.N. 729 of 2021

**Biplab Kumar Chowdhury
-Versus-
Shri Unice Rishin Ismail, IAS**

**In
W.P.A. 6373 of 2020**

Mr. Aniket Mitra, Adv.,
Mr. Parashar Baidya, Adv.

...for the petitioner/applicant.

This contempt application has been filed alleging willful violation of the order dated September 16, 2020 whereby a writ petition described as Public Interest Litigation bearing no. W.P.A. 6373 of 2020 was disposed of.

The allegation of the writ petitioner was that private parties had encroached upon Government land and were exploiting the same commercially for making illegal gain. The operative portion of the order disposing of the writ petition reads as follows:

“Accordingly, we direct the added respondent no.9 to treat the pleadings in the writ petition and the materials produced therewith as a representation of the petitioner and take a reasoned decision thereon in accordance with law within a period of six months from the date of communication of this order by the petitioner to the added respondent no.9 along with a copy of the writ petition, after giving an opportunity of hearing to the State Government’s representatives and all

parties who may be affected by the decision of the added respondent no.9 including anybody who may be found to be in possession / occupation of the concerned plot of land.

The decision, so taken, shall be communicated to the concerned parties within a period of two weeks from the date of the decision.

Needless to say that in the event the added respondent no.9 finds substance in the allegation of the petitioner, appropriate steps will be taken at the end of the State Government to ensure that Government property is duly protected and not exploited illegally by third parties.”

This contempt application was filed alleging that the added respondent no.9 in the writ petition being the Additional District Magistrate (ADM) and the District Land and Land Reforms Officer (DL&LRO), Barasat, North 24-Parganas, had not taken any decision in the matter as directed by this Court. After filing of the contempt application, it appears that the said ADM has passed an order on September 27, 2021, which has been brought on record by the petitioner by filing a supplementary affidavit.

The ADM has found that there is no encroachment on Government land by any private party. However, there is a construction on the land, which appears to be owned by the PWD, but it is not known who has constructed such building. Such construction also appears to be without any valid sanctioned building plan. In that view of the matter, the ADM directed the

North Dum Dum Municipality, which is the concerned Municipality, to take necessary measures against the unauthorized building existing on a part of the Birati-B.B.D. Bag Minibus Terminus under the provisions of the West Bengal Municipal Act, 1993 and the Rules framed thereunder. The Municipality was directed to take up the matter with the PWD department before initiation of any proceedings.

We are satisfied that this Court's order, violation whereof is alleged in this contempt application, has been complied with. The ADM has not found any encroachment by any private party or commercial exploitation of Government land by any private party. We see no reason to keep this contempt application pending.

The contempt application being C.P.A.N. 729 of 2021 in W.P.A. 6373 of 2020 is accordingly disposed of without any order as to costs.

Let urgent photostat certified copies of this order, if applied for, be supplied to learned Advocates for the parties upon compliance with all necessary formalities.

(Kausik Chanda, J.)

(Arijit Banerjee, J.)