

Sl. No.296
11.08.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A 13987 of 2019
IA No. 1 of 2020
(Old No. CAN 2265 of 2020)

Md. Rahul Amin Fakir
Versus
The State of West Bengal & Ors.

Mr. Lakshminath Bhattacharya
... for the petitioner
Mr. Sukdeb Sarkar
... for the private respondent nos.11 to 13

The petitioner prays for recalling the order dated 6th January, 2020 dismissing the writ petition for default.

I have perused the application filed by the petitioner for restoration and being satisfied with the grounds mentioned therein for non-appearance of the learned advocate for the petitioner on the day when the matter was taken up for consideration by the Court, recall the order dated 6th January, 2020.

WPA 13987 of 2019 is restored to its original file and number.

The application being IA No. CAN 1 of 2020 (Old No. CAN 2265 of 2020) is disposed of.

The petitioner complains that the direction passed by this Court on 28th November, 2016 in W.P 8270 of

2015 (W) of 2015 (Md. Rahul Amin Fakir vs. State of West Bengal & Ors.) has not been carried out till date.

The petitioner made a representation before the Pradhan, Mathurapur Paschim Gram Panchayat in March, 2019 and alleges that the same has not been taken up for consideration till date.

Initially the writ petition filed by the writ petitioner being W.P. No.8270 (W) of 2015 was regarding unauthorised construction carried on at the instance of the private respondents over un-partitioned plot of land.

It appears that the Pradhan, Mathurapur Paschim Gram Panchayat fixed a date of hearing in July, 2018 but thereafter did not take any steps to conclude the said process.

Learned advocate representing the private respondents submits upon instruction that no illegal or unauthorised construction has been made by his clients.

Be that as it may, as it appears that there is already a direction passed by this Court on 28th November, 2016 directing the Pradhan, Mathurapur Paschim Gram Panchayat to consider and dispose of the representation filed by the petitioner, accordingly, the Pradhan of the said Gram Panchayat is directed to strictly comply with the order that has been passed by the Court on 28th November, 2016.

The Pradhan shall take steps to comply with the order positively within a period of eight weeks from the date of communication of this order.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)