

D/L  
Item No. 38  
17.06.2022  
KOLE

**FMA 207 of 2022  
With  
IA No. CAN 1 of 2022  
Joynal Sk.  
-Vs.-  
The State of West Bengal & Ors.**

*Md. Y. Mondal*

*...for the appellants.*

*Mr. Chandi Charan Dey,  
Mr. R. N. Dutta,  
Mr. H. K. Halder,*

*...for the State.*

By consent of the parties the appeal and the applications are taken up for hearing together.

The writ petitioner/appellant had approached the learned Single Judge with the grievance of illegal forcible encroachment on his land by the respondent authorities without following due process of law. The learned Judge recorded the submission made on behalf of the State to the effect that land of the writ petitioner had not been acquired and there was no attempt to evict the writ petitioner from the concerned premises. On the basis of such submission of the State, the learned Judge observed that the grievance of the writ petitioner was unfounded and accordingly dismissed the writ petition. Being aggrieved, the writ petitioner is before us by way of this appeal.

We have heard learned Counsel for the parties. The appellant says that he has made a representation to the District Magistrate, Nadia, being the respondent no. 2 in this appeal. Copy of such representation dated January 4, 2019

is at page 24 of the stay application. The appellant says that such representation should be considered and decided by the District Magistrate.

Learned Advocate for the State has no objection to such prayer of the appellant.

Accordingly, we direct the District Magistrate, Nadia, being the respondent no. 2 herein, to take a reasoned decision on the representation dated January 4, 2019 made by the writ petitioner/appellant in accordance with law within a period of eight weeks from the date of receipt of a copy of this order after giving an opportunity of hearing to the appellant or his authorized representatives. The decision so taken should be communicated to the appellant within a week from the date of the decision.

We have not gone into the merits of the case and the respondent no. 2 shall take an informed decision in accordance with law.

Since we have not called for affidavits, the allegations made in the stay application are deemed not to be admitted by the respondents.

The appeal and the connected application are disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

**(Rai Chattopadhyay, J.)      (Arijit Banerjee, J.)**