

M/L 851
24.11.2022
Court. No. 19
GB

W.P.A. 18373 of 2022

Sri Pramod Kar
VS
The State of West Bengal & Ors.

*Mr. Anindya Bose,
Mr. Asok Banerjee,
Mr. Diptendu Mandal,
Mr. Nikhil Kr. Gupta,
Mr. Arindam Poali.*

...for the Petitioner.

Mr. Prasanta Behari Mahata.

...for the State.

Affidavits-of-service filed in Court today, be kept with the record.

Despite service, none appears on behalf of the respondent nos.4, 6 and 7. As this Court is not inclined to pass any mandatory directions as prayed for in the writ petition, the writ petition is taken up in their absence.

It appears that the Deputy Secretary to the Government of West Bengal had forwarded the complaint of the petitioner's learned advocate with regard to the alleged construction of the respondent nos.6 and 7 to the District Magistrate, South 24 Parganas. It is alleged that the District Magistrate, South 24 Parganas did not take any steps in this regard. The petitioner approached this court for necessary directions.

The court has not gone into the merits of the claim of the petitioner. This Court is of the view that the District Magistrate must comply with the order dated June 24, 2022

issued by the Deputy Secretary to the Government of West Bengal, Panchayats and Rural Development Department.

Under such circumstances, the writ petition is disposed of with a direction upon the District Magistrate, South 24 Parganas to comply with the request of the Deputy Secretary to the Government of West Bengal.

It is made clear that before any enquiry is made and steps are taken by the District Magistrate, the petitioner and the respondent nos.6 and 7, shall be heard. The report shall be prepared in details and necessary steps shall be taken as permissible by law. The action taken report along with supporting documents shall be forwarded to the Deputy Secretary to the Government of West Bengal by the District Magistrate for further action or for intimation, as the case may be.

The entire exercise shall be completed within a period of eight weeks from date of communication of this order.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)