

**WPA 16975 of 2016
With
CAN 1 of 2018 (Old CAN 9017 of 2018)**

**Pranab Jana & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Amit Baran Dash

... .. for the petitioners

Mr. Tapan Kumar Mukherjee, Sr. Adv.

Mr. Somnath Naskar

Mr. Nilotpal Chatterjee

... .. for the State

Mr. Rabi Shankar Chattopadhyay

Mr. Soumen Bandyapadhyay

Mr. Arabindo Majhi

... .. for the respondent no.7

Mr. Soumen Kumar Dutta

Mr. Sbyasachi Bhattacharjee

Ms. Arpita Kundu

... .. for the respondent no.8

The allegation in this petition is that the private respondents have blocked the frontage of the petitioners' land and residential house affecting the ingress and egress to the house.

It is pointed out by the learned counsel for the petitioners that earlier the writ petition no. W.P.10477 (W) of 2014 was filed by the petitioners which was disposed of by the learned Single Judge by order dated 21.04.2014 by directing the respondent no.2 to look into the petitioners' complaint and initiate appropriate steps in accordance with law by extending reasonable opportunity to the respective parties to place their version before him.

It is also pointed out that thereafter the Executive Engineer had passed the order dated 29.12.2014 by holding that the respondents might be raiyat in the

status since 1361 B.S. on the plot in question they have shared and they possessed a shop.

According to the petitioners this finding is incorrect. Therefore, they had filed the application for recalling/further consideration of the order dated 29.12.2014 before the respondent no.2 on 10.07.2015.

Thereafter, the petitioners had approached this Court by WP 3455 (W) of 2016 which was disposed of with certain observations by order dated 15.03.2016 and in appeal being FMA 2157 of 2016 the Division Bench by order dated 04.07.2016 had modified the order of the learned Single Judge and disposed of the appeal.

Submission of learned counsel for the petitioners is that inspite of the aforesaid proceedings the petitioners' application for recalling/further consideration of the order dated 29.12.2014 is still pending before the respondent no.2 and the same has not yet been decided. He has prayed for a direction to the respondent no.2 to decide the application.

Learned counsel for the State has no objection to such a prayer.

Submission of learned counsel for the private respondents is that they are also entitled to be heard when such application is decided.

In the aforesaid circumstances, the present petition is disposed of by directing the respondent no.2 to decide the petitioners' pending application dated 10th July, 2015 for recalling/further consideration of the order dated

29.12.2014, after giving an opportunity of hearing to all the concerned parties as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.

The petition is accordingly disposed of.

Connected application is also disposed of.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)