

WPA 19905 of 2019

Bijoy Basanta Malik & Ors.

Vs.

The District Magistrate and Collectorate & Ors.

Mr. Sourav Mondal,

Mr. Chandi Charan De,

...for the State.

Affidavit of service filed by the petitioners is taken on record.

The grievance of the petitioners is that pursuant to an order passed by this Court on 23rd August, 2017 in WP 21623 (W) of 2017, the matter was taken up by the District Magistrate, Hooghly who, by an order dated 13th October, 2017, passed the following directions:

“After perusal of the records and careful consideration of the facts, I direct the Block Land & Land Reforms Officer, Singur to demarcate the said plot of land within 7(seven) days. I also direct upon Jayanta Ghosh, Private Respondent No.10 to remove the unauthorised encroachment within 30 days from the demarcation of plot of land bearing Dag No.113/178, Mouza: Jalaghata, J.L. No.79 which has been recorded in favour of P.W.D., Government of West Bengal failing which Executive Engineer, Public Works Department, Hooghly Highway Division No.II PW.D. (Roads) shall remove the authorised encroachment within 15 days thereafter.”

Learned counsel for the petitioners submits that despite the said order, no effective step has been taken for removal of unauthorised encroachment on PWD land till date. The petitioners submitted applications before the Executive Magistrate, P.W.D.(Roads) Directorate, Hooghly for implementation of the said order which were not heeded

to. The petitioners have prayed for a direction for implementation of the order passed by the District Magistrate.

Upon consideration of the submissions made on behalf of the parties, this Court is of the view that the District Magistrate, Hooghly should be directed to take necessary steps for implementation of his order dated 13th October, 2017 within one month from date subject to submission of a representation before the District Magistrate by the petitioners stating all the subsequent facts and incidents.

Accordingly, the writ petition is disposed of with liberty to the petitioners to submit a comprehensive representation before the District Magistrate along with relevant documents relating to subsequent facts/events which occurred after the order dated 13th October, 2017 within one month from date.

The District Magistrate should consider the said representation and take necessary steps for implementation of the said order, after giving reasonable opportunity of hearing to the petitioners, in accordance with law.

The decision taken by the District Magistrate shall be communicated to the petitioners within a week thereof.

With the above directions, WPA 19905 of 2019 is disposed of. However, there shall be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)