

S/L 35
30.06.2022
Court. No. 22
suwayan

WPA 21949 of 2010

Manindranath Mahanty & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Sanjib Bandyopadhyay

...for the petitioner.

Mr. Anit Kumar Das
Ms. Rupsa Chakraborty

...for the State.

Mr. Sanjib Bandyopadhyay, learned counsel
appearing for the writ petitioners.

Mr. Anit Kumar Das along with Ms. Rupsa
Chakraborty, learned Counsel appearing for the state
respondents.

The case in the writ petition is that the writ
petitioners at all material time claim to be the owners of
the land measuring about 52.52 Acres (for short, subject
land) under ***Dag No.1 and 2, Khatian Nos.582 and
141, Mouza – Berma, J. L. No.73, P. S.
Balarampur, District – Purulia.*** The writ
petitioners and its predecessors had enjoyed the said
property as owners. On or about August 30, 2010 when
the writ petitioners went to the subject land for fresh
plantation they were restrained by some people, who
claimed to be from the local office of the Forest
Department. Immediately the writ petitioners had caused

enquiry from the office of the said Forest Department and were informed that no revenue/tax could be collected from the petitioners concerning the subject property. Pursuant to further enquiry the petitioners came to know, though nothing was provided to the petitioners from the office of the Forest Department in support, that the subject land stood vested with the Forest Department.

The petitioners then made several requests and representations as to the reason for such an action on the part of the Forest Department and contended that the subject land could not have been vested in view of the operation of law. However, all such representations and requests made by the petitioners were not acceded upon.

The petitioners through their Advocate made a representation on September 18, 2010 at Page 23 of the writ petition before the relevant State authorities. Such representation, as submitted on behalf of the petitioners was also not dealt with and accordingly was not disposed of. Being aggrieved thereby the petitioners moved this writ petition.

On January 20, 2011 an interim order was passed directing to maintain *status quo* till February 10, 2011. By another order dated February 11, 2011, the said order of *status quo* was directed to continue till disposal of this writ petition. Accordingly the same still subsisting and continuing.

Way back on January 20, 2011 parties were directed to file and exchange their affidavits. Till date no such affidavit was filed or exchanged by and between the parties. As the State did not file its affidavit-in-opposition, the petitioner could not file its affidavit-in-reply.

Be that as it may, today the said writ petition of 2010 has come for consideration in 2022, that too, without any affidavit being filed despite directions. In as much as, the petitioners have a legitimate right to have his prayer/representation made before the State authorities disposed of with reasons and the petitioners have right to know the reasons on the basis where of the action was allegedly taken by the State authorities, claiming that the subject land had been vested with Forest Department.

This Court is of the considered view that, by extending the time for filing affidavit and keeping the writ petition pending at this stage shall not serve any fruitful purpose for rendering justice to the parties. The petitioners must be informed with the basis and reasons for the alleged vesting of the subject land as claimed by the State authority.

In view of the forgoing discussions and reasons, this Court is of the view that, Justice will be sub-served if the relevant authority of the State is directed to consider

the representation of the writ petitioners with a reasoned order.

The respondent no.3, as suggested by the learned State Counsel, is the appropriate authority to consider the case of the petitioners.

Accordingly, the respondent no.3 is directed to consider the representation of the petitioners dated September 18, 2010 being annexed to the said writ petition on the basis of the case made out therein and also in the writ petition along with all its annexures treating the same to be a composite representation of the petitioners after giving an opportunity of hearing to the writ petitioners by themselves or through their authorised representative/representatives upon giving at least seven days notice of hearing upon the petitioners and then to pass a reasoned order. The entire exercise as directed above, must be carried out by the respondent no.3 within a period of eight weeks from the communication of this order and the respondent no. 3 must inform and serve the reasoned order upon the writ petitioners and its authorised representative/representatives, if any, within a period of two weeks from the date of the said reasoned order to be passed.

Since the interim order of *status quo* as, mentioned above, is existing from 2011, such order of *status quo* shall continue for a period of eight weeks till after the said reasoned decision to be communicated to

the petitioners or their authorised representatives, as the case may be, as directed above.

It is made clear that this Court has not gone into the merit of the writ petition and all points are kept open for the petitioners to urge before the respondent no.3.

On the above terms, the writ petition **WPA 21949 of 2010** stands disposed of.

All connected applications, if any, are accordingly disposed of.

(Aniruddha Roy, J.)