

6th December, 2022
(D/L No.12)
(SKB)

W.P.A. 27016 of 2022

Bikash Sarkar
Versus
State of West Bengal and others

Mr. Biswaroop Bhattacharyya,
Mr. Priyabrata Thakur,
Ms. Streetama Biswas,
Mr. Snehashish Dey,
Mr. Arya Bhattacharyya
... for the petitioner.

Mr. Nilotpal Chatterjee,
Mr. Debraj Saha
... for the State.

The affidavit of service is taken on record.

The petitioner apprehends demolition of a property situated at Mandarmoni in the near future. Although the petitioner says that the demolition of the property will take place tomorrow i.e. 7th December, 2022, there is no such evidence from the material before the court except an averment in the writ petition.

A representation made by the petitioner against a notice issued under Section 4(1) of The West Bengal Public Land (Eviction of Unauthorised Occupants) Act, 1962 on 1st December, 2022 mentioned that the petitioner will suffer grave consequences unless the construction is removed. The representation is dated 3rd December, 2022.

Learned counsel appearing for the State submits that the petitioner filed an appeal before the Sub-Divisional Officer, Contai, Purba Medinipur from the order dated 13th October, 2022 which was also passed by the Collector & SDO, Contai, Purba Medinipur. Counsel hence submits that the appeal would lie to the Collector. Whatever may be the nomenclature of the challenge to the order dated 13th October, 2022, the appeal is required to be considered by the appropriate authority. Any limitation for filing of the appeal is condoned.

The Collector/Appellate Authority is directed to hear and consider the appeal within a period of four weeks from date. All concerned parties shall be heard. Until the appeal is disposed of and the decision thereof is communicated to the petitioner, the respondents shall not take any action, which the petitioner apprehends and which is the subject matter of the present writ petition.

W.P.A.27016 of 2022 is disposed of in terms of the above.

This court has not gone into the merits of the case.

(Moushumi Bhattacharya, J.)