

14.12.2022
sayandeep
Sl. No. 13
Ct. No. 05

WPA 27572 of 2022

Smt. Jharna Pradhan (Maity) & Ors.
-Versus-
The State of West Bengal & Ors.

Mr. Kamalesh Bhattacharya
Mr. Balai Lal Sahoo
Mr. Chandan Mukherjee
Mr. Sankha Prasad Ray

..... for the petitioners

Mr. Nilotpall Chatterjee
Mr. Subhendu Sengupta

.....for the State

The petitioners claim to have a homestay at Mandarmani and apprehend that the petitioners' property will be demolished in terms of an order dated 13.10.2022 in relating to Eviction Case No. 04 of 2022 passed by the Collector and SDO, Kontai. According to learned counsel appearing for the petitioners, the order was signed on 21.10.2022 and the petitioners applied for a certified copy on 13.11.2022.

By the said impugned order, the Block Development Officer, who was directed to serve the order on all the defendants and the Officer-in-Charge, Mandarmani Coastal Police Station, was directed to ensure enforcement of the order.

Learned counsel appearing for the State submits that the petitioners have an alternate remedy under Section 7 of the West Bengal Public Land (Eviction of Unauthorized Occupants) Act, 1962.

Upon hearing learned counsel, it is evident that the petitioners are statutorily entitled to file an appeal from the impugned order to the Collector under Section 7(1) within 15 days from the date of the order. The petitioners have obviously not availed of the alternative remedy and have filed the present writ petition. The 15 days have expired in the meantime.

Considering the submissions made on behalf of the parties, the District Magistrate/appellate authority is directed to hear and consider the appeal filed by the petitioners within a period of four weeks subject to the petitioners filing the appeal within a week from today. The time to file the appeal is condoned. The respondent shall give the certified copy of the impugned order to the petitioners within 24hrs. from date. The petitioners shall be heard in the appeal and the reasoned order passed shall be communicated to the petitioners within a week from the date on which the reasoned order is passed.

WPA 27572 of 2022 is disposed of in terms of the above.

The authorities shall not take any steps until seven days after the communication of the reasoned order of the appellate authority on the petitioner.

It is made clear that this Court has not gone into the merits of the case.

This order is to be communicated by the learned counsel appearing for the State to the concerned Authorities.

(Moushumi Bhattacharya, J.)