

28.08.2023

Item No.2

Ct. No.1

PG/KS

W.P.A.(P) 419 of 2023
Debabrata Mondal
Vs.
The State of West Bengal & Ors.

Mr. Pankaj Halder

Mr. Nulabha Bera

.....for the Petitioner

Mr. Lalit Mohan Mahata, Ld. A.G.P.

Mr. Rudranil De

.....for the State

Mr. Lakshminath Bhattacharya

.....for the private respondent

Mr. Atarup Banerjee

Mr. Bapin Baidya

Mr. Rajdeep Pramanik

.....for the respondent nos.8, 9, 12 & 13

1. By this writ petition styled as a public interest litigation, the writ petitioner seeks for a direction upon the official respondents to take action against the private respondents on the alleged ground that the private respondents have unauthorizedly occupied Government land by obstructing the adjacent owner for free ingress and egress to the property. Thus, there appears to be some private interest involved in this writ petition.
2. Nonetheless, the learned advocate for the writ petitioner submits that based on the representation already made, the 5th respondent has initiated action.

3. The learned Government counsel appearing for the 5th respondent submitted that the action initiated by the 5th respondent will be taken to the logical end.
4. In such circumstances, no separate direction is required in this writ petition except to observe that the 5th respondent shall proceed in accordance with law after notice to the writ petitioner as well as the private respondents and concludes the proceedings as expeditiously as possible.
5. With the above observations/directions, the writ petition is disposed of.
6. We make it clear that since the writ petition is disposed of without calling for affidavits, we have not gone into the merits of the allegations made by the writ petitioner against the private respondents and it is for the 5th respondent to take into consideration all facts and then take a decision on merits and in accordance with law.
7. No costs.
8. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)