

17.04.2023
Item No.8
gd/ssd

WPA(P)/161/2023
SUMIT KUMAR DAS AND ORS.
VS
STATE OF WEST BENGAL AND ORS.

Mr. Tanmay Basu,
Mr. Manoj Adak,
Mr. Aasif Iqbal,
Mr. Debdip Mondal

... for the Petitioners.

Md. T.M. Siddiqui,
Ms. A. Pandey

... for the State.

Mr. H. Ghosh,
Mr. H.K. Das

... for the Respondent Nos.10 to 15.

1. By this public interest litigation the petitioners seek for a direction upon the respondents not to convert the character and use of land in the area in question.

2. In this regard, a representation has been given on 7th March, 2023 to the 2nd respondent and since immediate action has not been taken on the said representation, the petitioners have approached this Court.

3. The learned Advocate appearing for the private respondents submitted that the local people whom he represents have filed a representation before the second respondent by placing reliance on a Government Order in Memo No.192-TDD/5C-01/2023 dated 23rd March, 2023 and the said representation is pending before the second respondent.

4. Since the petitioners have come before this Court stating that their representation has not been considered and the private respondents have placed reliance on the order passed by the Government dated 23rd March, 2023, we are of the view that the second respondent should enquire into the matter after issuing notice to the representatives of the petitioners as well as the private respondents and then take an informed decision in the matter and pass a reasoned order.

5. In the light of the above, the writ petition stands disposed of by directing the second respondent to consider the representation given by the petitioners dated 7th March, 2023 as well as the representation given by the private respondents to the second respondent and the representatives of both parties will be heard in person and a reasoned decision be taken on merits and in accordance with law.

6. The above decision shall be complied with within a period of three months from the date of receipt of the server copy of this order.

7. Affidavit of service filed in Court is kept on record.

(T. S. SIVAGNANAM)
ACTING CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)