

01.05.2023
Item No.13
gd/ssd

WPA(P)/197/2023
DINABANDHU SARKAR
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. Debanjan Das
..for the Petitioner.

Mr. Samrat Sen,
Mr. Amitava Mitra,
Ms. Manali Bose
..for the State.

1. By this public interest litigation which appears to be the third in the row of the writ petition filed by the petitioner ventilating the grievances with regard to the illegal construction put up by the 9th and the 10th respondents.

2. Pursuant to the directions issued in the earlier writ petition, action has been initiated by the District Magistrate, Jalpaiguri and orders have been passed on 23rd August, 2021. The order directs the competent authority, namely, the Jalpaiguri Zilla Parishad to remove the illegal encroachment in the suit plot.

3. The grievance of the petitioner is that till date the same has not been complied with.

4. It is not clear as to why till date the 5th respondent has not initiated any action pursuant to the directions given by the concerned District Magistrate. If the order of the District Magistrate has been

challenged before any legal forum and if some orders have been passed, it would be a different matter. However, if the order dated 23rd August, 2021 passed by the District Magistrate remains intact, the 5th respondent has to necessarily take action for removal of the illegal encroachment.

5. Therefore, we direct the 5th respondent to implement the order dated 23rd August, 2021 passed by the District Magistrate, Jalpaiguri within a period of six weeks from the date of receipt of a server copy of this order if the said order has not been challenged or stayed by any legal forum.

6. With the above direction, the writ petition stands disposed of.

(T. S. SIVAGNANAM)
ACTING CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)