

22 11.04.2023
RP Ct. No. 01
AN

WPA (P) 184 of 2021
With
IA No. CAN 1 of 2022
IA No. CAN 2 of 2022

Gobardhan Mandal
Vs.
Union of India & ors.

Mr. Sajal Kumar Ghosh
Mr. Arindam Chatterjee

... For the Petitioner

Mr. Sabir Ahmed
Md. Abdur Rakib

... For the Applicant
(in CAN 1 of 2022)

Mr. Subir Kr. Bhattacharya
Ms. Sadhana Bhattacharjee
Mr. Guddu Singh

... For the Applicant
(in CAN 2 of 2022)

Mr. Supratim Dhar

... For the State

1. After hearing the learned counsel for the parties in both the applications for addition of parties, the applications are allowed.

2. By way of this public interest litigation the petitioner seeks for direction upon the Mayor/Administrator of Asansol Municipal Corporation to start an enquiry into the complaints made by the writ petitioner and others with regard to illegal conversion of the land in question.

3. We have elaborately heard the learned counsel for the parties and perused the materials, which are placed on record including the report submitted by the appropriate authority from time to time.

4. The learned counsel appearing for the State submitted that show cause notices have been issued to all concerned and an enquiry has also been conducted but, however, there is no specific written instruction to the learned government counsel as to the outcome of the such enquiry. He further submits that an FIR has also been lodged against those persons who are allegedly engaged in the unauthorized conversion of the land in question.

5. The newly impleaded party respondents in their affidavit have stated that they have not violated any of the statutory provisions and it appears that another company has been developing a project which is far away from the land on which the newly impleaded party have made the construction. In any event, the appropriate authority under the relevant statute having initiated an enquiry, the matter should be taken to its logical end and if the enquiry has already been concluded then the orders have to be passed under the relevant statute and effective steps should be taken to implement those orders.

6. The official respondent should ensure that the investigation into the FIR, which has been lodged, is completed on an earlier date and if an offence is made, charge sheet would be laid against the accused. Therefore, we direct the official respondent to complete the enquiry in cases where the enquiry is yet to be completed and where an enquiry has been completed, final order shall be passed within a period of four weeks from the date of receipt of the server copy of this order in accordance with law.

7. It is not sufficient that the authority shall ensure that the orders which have been passed are implemented with utmost seriousness. In cases where enquiries are yet to be conducted, it is needless to say that the noticees should be heard in the matter.

8. In terms of the directions issued earlier, a supplementary affidavit has been filed by the applicant in CAN 1 of 2022 and CAN 2 of 2022. However, since we have issued the above directions disposing of the writ petition the averments stated in the said affidavits are not dealt with and it is well open to the applicant to urge all the grounds before the appropriate authority.

9. In the result, WPA(P) 184 of 2021 stands **disposed of.**

(T. S. Sivagnanam)
Acting Chief Justice

(Hiranmay Bhattacharyya, J.)