

08.12.2023
rc/ct.no.10
Item No.08

WPA No. 11188 of 2023
Rowson Jamal Khan
Versus
The State of West Bengal & Ors.

Mr. Lal Ratan Mondal
Mr. Dilip Kumar Sadhu ...for the petitioner

Mr. Chandi Charan De
Mr. Anirban Sarkar ...for the State

Heard learned counsel for the parties.

The order passed by the Additional District Magistrate and the District Land and Land Reforms Officer, Jhargram on January 17, 2023 is under challenge in the writ petition.

In an earlier writ petition being WPA No. 27922 of 2022, this Court, by an order passed on December 20, 2022 directed the District Magistrate, Jhargram to consider and dispose of the representation submitted by the petitioner within one month from the date of the order upon affording reasonable opportunity of hearing to all the interested persons including the petitioner in accordance with law. Surprisingly despite such order, the representation submitted by the petitioner has been considered and disposed of by the Additional District Magistrate and the District Land and Land Reforms Officer, Jhargram instead of the District Magistrate, Jhargram. This is sheer non-compliance of the direction of this Court.

In view of the above, the order impugned dated January 17, 2023 passed by the Additional District Magistrate and the District Land and Land Reforms Officer, Jhargram is set aside.

The District Magistrate, Jhargram, being the 3rd respondent herein, is directed to consider and dispose of the representation submitted by the petitioner on December 22, 2022 within a period of one month from the date of communication of this order, upon affording reasonable opportunity of hearing to all concerned including the petitioner, in accordance with law.

The decision taken by the authority shall be communicated to the petitioner within a week thereof.

Pending disposal of the representation, no construction/ further construction shall be made by the State respondents in the plot in question.

With the above observations and directions this writ petition being WPA No. 11188 of 2023 is disposed of.

There shall however be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)