

06.06.2023

Item No.07

Ct. No.1

RP/gsd

WPA (P) 241 of 2023

Chonni Mahammad Mondal

vs.

The State of West Bengal & ors.

Mr. Rishabh Ahmad Khan

... for the petitioner

Mr. Nilotpall Chatterjee

Mr. Debraj Saha

Ms. Amrita Lal Chatterjee

... for the State

1. This Public Interest Litigation has been filed before this Court for the second time for virtually the same reliefs. Earlier, the petitioner had filed a writ petition, being WP 6375(W) of 2020, alleging that the land which was earmarked for *kabarsthan* has been illegally converted to *masjid*. The writ petition was disposed of by directing the concerned authority namely the Sub-Divisional Officer, Barrackpore, North 24 Parganas to enquire into the matter. The record of the proceeding shows that the when the case was taken up on 12th

October, 2020, the petitioner did not appear. The Contempt Petition which was filed by the petitioner alleging disobedience of the order passed in the writ petition was dismissed by an order dated 4.5.2022 (CPAN 598/2020).

2. Thus, from the above facts, as set out in the writ petition as well as the annexures filed along with the writ petition, it was seen that the petitioner had not cooperated with the enquiry. According to the petitioner, the manner in which the enquiry was conducted was itself erroneous. It does not lie in the mouth of the petitioner to raise such contention in this writ petition having refused to appear before the authority in terms of the direction issued in the earlier writ petition. However, without going into the merits of the matter, if the petitioner is of the opinion that he has sufficient material to show that there is illegal conversion of land which has been classified as *kabarsthan*, we grant liberty to the petitioner to submit a fresh

representation to the authority concerned, who shall examine the same and take action in accordance with law.

3. With the above observation, the writ petition stands dismissed.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)