

26.06.2023
Item No.4
gd/ssd

WPA(P)/273/2023
ALI AKBAR SEKH
VS
STATE OF WEST BENGAL AND ORS.

Ms. Pampa Dey (Dhabal)
..for the Petitioner.

Md. T.M. Siddiqui
..for the State.

Mr. Anujit Mookherji,
Mr. Amit Kumar Ghosh
..for the Respondent Nos.14 to 17.

1. This petition has been filed as a public interest litigation alleging that the private respondents are putting up construction over a “Khal”.

2. Identical averments have been made by way of a complaint before the Executive Magistrate at Canning in M.P. Case No./426 of 2023 and an interim order has also been passed stating that during the pendency of the case the existing process should be ensured.

3. The grievance of the petitioner is that in spite of such an order no effective steps have been prevented from putting up construction.

4. Since the District Magistrate is also ceased of the matter, we do not propose to interfere at this juncture. Nevertheless, it needs to be observed that the District Magistrate should ensure that the matter

should be heard and decision should be taken at the earliest.

5. Therefore, without going into the merits of the allegation made by the petitioner in this writ petition against the private respondents, as affidavits have not been called for, we merely direct the 6th respondent to conduct the enquiry and conclude the proceedings by passing a speaking order within a period of two weeks from the date of receipt of the server copy of this order after notice to the private respondents and all concerned.

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

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(AJAY KUMAR GUPTA, J.)