

February 6, 2023
AD 4
Court No.1
SG

WPA(P) 301 of 2022
with
CAN 1 of 2022

Swapan Kumar Sarkar and another
vs
The State of West Bengal and others

Mr. Dilip Kumar Sinha, Advocate
... for the petitioners

Mr. Samrat Sen, Id. AAAG
Mr. Jahar Lal De, Id. AGP
Ms. Manali Ali, Advocate
... for the State

Mr. Uttam Kumar Bhattacharya, Advocate
... for respondent Nos.3, 4 & 5

WPA(P) 301 of 2022 was disposed of by order dated
23.08.2022.

CAN 1 of 2022 has been filed by the writ petitioners
seeking modification of the said order.

Submission of learned counsel for the applicants is that
the demarcation should be done before the commencement of
the work of construction of road as the construction would
result in narrow road without removing encroachers.

Learned counsel for the State has opposed the application
by submitting that the prayer made in the writ petition has
been granted and applicants have been set up by the
unsuccessful bidders and work order was issued on
16.08.2021 and the object of the application is to stop
construction of road which will effect the public.

Learned counsel for respondent No.3 has also opposed
the application.

Having heard learned counsel for the parties and on perusal of the record, it is noticed that in the writ petition the first prayer was for a direction to demarcate the road through Block Land and Land Reforms Officer. Said prayer was not objected to by the respondents.

Hence, the writ petition was disposed of by order dated 23.08.2022 granting the petitioners liberty to file an appropriate application for demarcation before Block Land and Land Reforms Officer, who on receipt of the same was directed to do the needful expeditiously to demarcate the land for the purpose of construction of road.

At that stage, no further grievance was raised. The prayer made in the petition has already been granted.

Hence, we find no ground to modify the order passed earlier and CAN 1 of 2022 is rejected.

[Prakash Shrivastava, C.J.]

[Rajarshi Bharadwaj, J.]