

16.08.2023
Item No.7
gd/ssd

MAT/1284/2023
IA NO: CAN/1/2023
SUMIT SAHU AND ORS.
VS

THE STATE OF WEST BENGAL AND ORS.

Mr. Abhinaba Dan,
Mr. Nitish Samanta
..for the Appellants.

Mr. Pantu Deb Roy,
Mr. Samit Kr. Mondal,
Ms. Reshma Chatterjee
..for the State.

1. This intra court appeal is directed against the order passed by the learned Single Bench dated 22nd June, 2023 in WPA 12809 of 2023.

2. The appellants are running a hotel and the allegation is that at the instance of certain influential people the appellants are being prevented from carrying on the hotel business on the alleged ground that the land is a tribal land.

3. The learned Single Bench directed the District Magistrate, Bankura to enquire into the matter.

4. The appellants express fear and apprehension that the enquiry to be conducted by the District Magistrate may not proceed in an appropriate direction because the persons who are behind the entire episode are very influential and powerful and they occupied very important position in the district.

5. The learned Government counsel submitted that already the District Magistrate has fixed the date of hearing on 08.08.2023 by notice dated 01.08.2023. However, the appellants did not appear.

6. The learned counsel appearing for the appellants submitted that since this appeal was moved, the appellants did not appear.

7. In any event the appellants should repose the faith and confidence in the District Magistrate who is the head of the district administration and the District Magistrate being an officer of IAS Cadre will act in accordance with law and the appellants may not have any fear and apprehension.

8. Therefore, the appellants are directed to appear before the District Magistrate on the next hearing date, place all the records and establish their case before the District Magistrate upon perusal of the records and after hearing the appellants and the other parties, who are likely to be interested in the matter, the District Magistrate shall pass a speaking order on merits and in accordance with law.

9. The appellants apprehend that there will be damage to the property and the appellants and their employees are always under threat.

10. In this regard we grant liberty to the appellants to file an appropriate petition/complaint before the jurisdictional police who shall assess the

threat situation and if it is found to be genuine, necessary protection be afforded to the appellants and their employees.

11. With the above direction, the appeal stands disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)