

11. 05.04.2023
Court No.6
Tanmoy Ghosh

MAT 1371 of 2022

Anil Kumar Mondal
-Versus-
The State of West Bengal & Ors.

With
IA No: CAN/1/2022
With
IA No: CAN/2/2022

Mr. Debasis Sur, Adv.,
Mr. Angsuman Patra, Adv.,
Mr. Himadri Shekhar Paul, Adv.,
Mr. Dilip Kumar Das, Adv.

...for the appellant/
writ petitioner.

Mr. Pantu Deb Roy, Ld. AGP,
Mr. Anand Farmania, Adv.

...for the State.

Affidavit of service filed in Court today be kept with
the records.

In Re: IA No: CAN/1/2022.

This is an application for condonation of delay of
Eighty Seven (87) days in filing the appeal, as noted by
the Stamp Reporter. Causes shown being sufficient, the
delay is condoned. The application being IA No:
CAN/1/2022 is disposed of.

In Re: MAT 1371 of 2022
With
IA No: CAN/2/2022

By consent of the appearing parties, the appeal and
the connected application are taken up together for
hearing.

A judgment and order dated March 26, 2021, whereby the appellant's writ petition being W.P.A. 3192 of 2019, was disposed of, is under challenge in this appeal.

The appellant had approached the learned Single Judge with the grievance that in spite of lodging complaint with the concerned Authorities that the private respondents were changing the nature and character of the land adjacent to the appellant's land by digging activities, the Authorities were not taking necessary steps in the matter. The learned Judge called for a report from the State. Such report was filed. The learned Judge noted that the State has taken all necessary steps against the private respondents. Recording that the grievance of the writ petitioner has been addressed and no further orders need be passed, the writ petition was disposed of. Being aggrieved, the writ petitioner is before us by way of this appeal.

Learned Advocate for the State files written instructions. Let the same be kept on record.

It appears from such written instructions that a case against the private respondents being Narendrapur P.S. Case No. 241 dated 20.02.2019, under Sections 413/414/379 of the Indian Penal Code, read with Section 21 of the Mines and Minerals Act, 1957 and Section 4D of the West Bengal Land Reforms Act, 1955,

has been registered. After due investigation, the Investigating Officer has also filed a charge-sheet.

Learned Advocate for the appellant, however, says that the concerned Authority, being the Block Land and Land Reforms Officer (BL&LRO), has failed to take necessary remedial steps by ensuring that the original nature and character of the land in question is restored. Learned Advocate points out that a representation dated December 18, 2018 (page 47 of the stay petition) has been made to the BL&LRO, Sonarpur, South 24-Parganas, but the same has not received the attention of the Officer and no steps have been taken on the basis thereof.

We direct the concerned BL&LRO to dispose of the appellant's representation, referred to above, by passing a reasoned order, in accordance with law, within a period of four (4) weeks from the date of communication of this order after giving an opportunity of hearing to all concerned parties including the appellant herein and the private respondents herein. In the event, the Officer finds that there is substance in the grievance of the appellant/writ petitioner and that the private respondents have indeed changed the nature and character of the land in question in contravention of law, then the Officer shall issue necessary directions for restoration of the original nature and character of the

land in question forthwith. The entire exercise will be completed within eight (8) weeks from date.

Since we have not called for affidavits, the allegations in the stay petition shall be deemed not to have been admitted by the respondents.

The appeal being MAT 1371 of 2022 and the connected application being IA No: CAN/2/2022 are disposed of.

Let urgent photostat certified copy of this order, if applied for, be made available to the parties, upon compliance with all requisite formalities.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)