

February 7, 2023
AD-20 & 21
Court No.1
SG

WPA(P) 542 of 2022

Sri Subal Khatua and another
vs
The State of West Bengal and others

WITH

WPA(P) 512 of 2022

Sri Prabhas Maiti
vs
The State of West Bengal and others

Mr. Srijit Chatterjee,
Mr. M.A. Samad, Advocates
... for the petitioners in WPA(P) 542 of 2022

Mr. Satyendra Agrawal,
Mr. Tarak Nath Sarkar,
Mr. Bijoy Bag, Advocates
... for the petitioner in WPA(P) 512 of 2022
and for the respondent No.11
in WPA(P) 542 of 2022

Mr. Jahar Lal De,
Mr. Shamim Ul Bari, Advocates
... for the State in WPA(P) 542 of 2022

Mr. Jahar Lal De,
Mr. Supratim Dhar, Advocates
... for the State in WPA(P) 512 of 2022

Mr. M.A. Samad,
Mr. Srijit Chatterjee, Advocates
...for the respondent Nos.21, 22 & 24
in WPA(P) 512 of 2022

In Re. WPA(P) 542 of 2022

In this public interest petition, the petitioners have alleged that private respondent No.11 taking advantage of vacant land of the Irrigation and Waterways Department has forcibly occupied a considerable portion of land

adjoining to ICDS Centre for the purpose of erection of his residential house without permission of the concerned authority on plot No.03, Khatian No.924/1 at Mouza Kashinathpur, JL No.236.

When the matter is taken up today, it has been pointed out that a mass representation dated 15.08.2022 was made to respondent No.3, District Magistrate, Paschim Medinipur to consider the grievance raised therein. Respondent No.3 sent the communication dated 29.08.2022 to respondent No.5, Sub-Divisional Officer, Ghatal for needful action and directed to submit the action-taken report. It has been pointed out that thereafter no action has been taken.

Having regard to the allegation which has been made in the petition, we are of the opinion that the District Magistrate should consider the representation and ensure that action-taken report is submitted by SDO expeditiously in pursuance to the communication dated 29.08.2022. In that process, if required, the District Magistrate will ensure the opportunity of hearing to all the effected parties.

Let the said exercise be completed within a period of 3 months from the date of receipt of a copy of this order.

Accordingly, the petition is disposed of.

In Re. WPA(P) 512 of 2022

In the connected writ petition being WPA(P) 512 of 2022, there is a counter allegation of the petitioner against the private respondents therein for raising the unauthorised construction.

In this petition also, it has been pointed out that a mass representation dated 11.07.2022 was filed before the authority of the irrigation department. Since the issue is now under consideration before the concerned District Magistrate, we grant liberty to the petitioner to file a detailed representation before the District Magistrate, Paschim Medinipur who on receipt of the same, will take appropriate action on the same terms as have been directed above in WPA(P) 542 of 2022. He will ensure appropriate action in accordance with law in case if any unauthorised construction is found.

Accordingly, the petition is disposed of.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)