

26.09.2023
Item No.36
RP/AN
Ct. No.1

WPA(P) 517 of 2023

Apurba Manik & Ors.

Vs.

The State of West Bengal & Ors.

Mr. M.A. Samad
... for Petitioners

Mr. Amal Kumar Sen, AGP
Mr. Lal Mohan Basu
... for State

Mr. Prasanta Kumar Pakrashi
Sk. Mustafi Rahaman
Mr. Saswati Manna
Mr. Avisek Chatterjee
... for respondent nos.14,15 & 16

1. By way of filing this public interest litigation the petitioners seek for a direction upon the authorities to immediately commence construction of a health sub-centre in the area in question. The allegation against the private respondents no.14 to 16 is that they are illegally obstructing the contractor from putting up construction though the authorities of the Health & Family Welfare Department has issued work order in favour of the contractor. From a communication sent by the Block Land and Land Reforms Officer, Daspur-1, Paschim Medinipur addressed to the Additional District Magistrate And District Land & Land Reforms Officer, Paschim Medinipur dated 30th November, 2021 it is seen that the proposed construction is to

made in plot no.4 of Mouja-Harekrishnapur, JL No.183 and it is stated that an extent of 3.5 decimal of plot no.4 is available for the said purpose. Further, we note that the Revenue Department has already conducted an inspection of the area and identification of the area in which the proposed construction has to be made has been demarcated.

2. Learned Counsel appearing for the private respondents no.14 to 16 would vehemently contend that the plot no.4 has been divided into two; one area has been allotted to a club on a long-term settlement basis and another to a society, namely, SKUS Limited, by an order passed by the Additional District Magistrate and District Land & Land Reforms Officer, Paschim Medinipur dated 19.01.1950.
3. In any event, since there are disputed questions on facts in the instant case, the same cannot be decided in a writ petition based on affidavits. Therefore, we would direct the fifth respondent, namely, Additional District Magistrate and District Land & Land Reforms Officer, Paschim Medinipur to consider the petitioners' representation by affording personal hearing after issuance notice to the officials of the Health & Family Welfare Department of the concerned district as well as

notice to the writ petitioners and the 13th respondent, being the awardee and the private respondents no.14 to 16 and after hearing shall pass appropriate order on merits and in accordance with law within a period of four weeks from receipt of the server copy of this order.

4. In order to facilitate compliance of the above directions, the petitioners are directed to submit a detailed representation along with supporting documents and a copy of this order before the office of the fifth respondent.
5. With the above observations and directions, both the writ petitions are disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)