

09.10.2023
Item No.1
gd/ssd

WPA(P)/525/2023
UTTAM MANDAL & ORS.
VS
STATE OF WEST BENGAL & ORS.

Mr. Fazlul Haque,
Mr. Sanatan Mondal
..for the Petitioners.

Mr. Sk. Md. Galib,
Mr. Tamal Taru Panda
..for the State.

Mr. Sarwar Jahan,
Mr. Sayantan Hazra
..for the Respondent Nos.9 and 10.

1. By way of public interest litigation the petitioners are alleging that the private respondents, namely, respondent nos.9 and 10 are unauthorisedly filling up drainage canal and they have put up construction for expanding Teachers' Training Institute.

2. Earlier a public interest litigation was filed making the same allegation in WPA 447 of 2018. The said writ petition was disposed of by order dated 24th November, 2022 by directing the District Magistrate i.e. the 2nd respondent therein to enquire into the matter by considering the representation.

3. It appears that pursuant to such direction, the District Magistrate has conducted an enquiry and has passed an order on 3rd March, 2023 under the provisions of the West Bengal Public Land (Eviction of

Unauthorised Occupants) Act, 1962 (for short, “the Act”).

4. Aggrieved by the same, the private respondents herein have preferred a statutory appeal and the appeal is pending.

5. Since the appeal was not taken up, the private respondents filed WPA 19585 of 2023 which was disposed of by the learned Single Judge by an order dated 18.09.2023 by directing the appeal to be disposed of within a time frame and no coercive steps shall be taken against the private respondents herein/petitioners in the said writ petition in respect of the plot in question.

6. The allegation of the petitioners is that taking advantage of the pendency of the appeal before the appellate authority, the private respondents are proceeding with the construction.

7. This allegation is emphatically denied by the learned advocate appearing for the respondent nos.9 and 10 herein.

8. In the light of the orders passed, as noted above, no further direction is required to be passed in this writ petition except to observe that pending disposal of the statutory appeal filed by the private respondents under the provisions of the said Act, they shall not put up any further construction and shall

abide by the result of the orders that may be passed by the appellate authority.

9. With the above observation, the writ petition stands disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)