

WPA 24298 of 2022

Uday karmakar & anr.

Vs.

The State of West Bengal & ors.

Adv. Anindya Bose,
Adv. Diptendu Mandal,

...for the petitioners.

Adv. Alok Kumar Ghosh,
Adv. Swapan Kumar Debnath,

...for the KMC.

Adv. Debjit Mukherjee,
Adv. Susmita Chatterjee,

...for the State.

Heard learned counsels for the parties.

Being aggrieved by an order of the concerned authority under Section 17A of the West Bengal Inland Fisheries Act, 1993, the petitioners approached this Court for setting aside the same. A coordinate Bench of this Court dismissed the writ application against which the petitioners preferred an appeal before an Hon'ble Division Bench of this Court, wherein the Hon'ble Division Bench, by an order passed on 3rd December, 2021 in MAT no.699 of 2020, granted liberty to the petitioners to approach the appellate authority under the provisions of the West Bengal Inland Fisheries Act, 1984 for redressal of their grievance. Pursuant to such direction, the petitioners approached the appellate authority under Section 18 of the West Bengal Inland Fisheries Act, 1984 and the appellate authority, by an order passed on 10th June, 2022 dismissed the appeal upon placing reliance on reports submitted by the District Land & Land Reforms Officer, South 24 Parganas on 5th August, 2022.

Strangely, the order impugned was passed on 10th June, 2022 relying upon a report which was submitted on a subsequent date, i.e. 5th August, 2022. It is not understood as to how the appellate authority was apprised of a report on 10th June, 2022 which was due to be submitted almost two months thereafter. This indicates absolute non-application of mind by the concerned authority in considering the appeal preferred by the petitioners.

In view of the above, the order impugned dated 10th June, 2022 is set aside.

The concerned authority, being the 6th respondent herein, is directed to reconsider the appeal preferred by the petitioners within two months from the date of communication of this order upon affording reasonable opportunity of hearing to all the interested persons including the petitioners and pass a reasoned order, in accordance with law.

The concerned authority shall make over a copy of the report of the Block Land & Land Reforms Officer, South 24 Parganas dated 5th August, 2022 to the petitioners prior to commencement of hearing of the appeal.

With the aforesaid directions, WPA 24298 of 2022 is disposed of.

There shall however, be no order as to costs.

Since no affidavit in opposition is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be furnished to the parties on usual undertakings.

(Suvra Ghosh, J.)