

19.01.2023
Item No.8.
Court No.6.
AB

M.A.T. 1973 of 2022
With
IA CAN 1 of 2022
IA CAN 2 of 2022
IA CAN 3 of 2022

Paschim Banga Gramin Bank
Vs
The State of West Bengal & Ors.

Mr. Baidurya Ghosalfor the Appellant.

Mr. Raja Saha,
Mr. Prantick Ghoraifor the State.

By consent of the parties, the appeal and the applications are taken up for hearing together.

Affidavit of Service filed in Court today, be kept with the records. In spite of service, the writ petitioner is not represented.

In re : CAN 3 of 2022

This is an application for leave to appeal against a judgment and order dated January 14, 2021, whereby WPA No.19381 of 2019 was disposed of. The present applicant was not a party to the writ petition. However, it says that the order impugned in the appeal, if implemented, will adversely affect the interest of the applicant.

We find some substance in the submission made on behalf of the applicant. This application is allowed.

Leave is granted to the applicant to prefer appeal against the judgment and order dated January 14, 2021.

CAN 3 of 2022 stands disposed of.

In re : CAN 2 of 2022

This is an application for condonation of delay of 666 days in filing the appeal. Causes shown being sufficient, the delay is condoned.

I A CAN 2 of 2022 is, accordingly, disposed of.

In re : MAT 1973 of 2022, IA CAN 1 of 2022

It appears that the writ petitioner approached the learned Single Judge with a grievance that a shop room has been constructed on PWD land by encroaching on the same and the Pradhan of the concerned Gram Panchayet was in the process of handing over such shop room to the respondent no.7 in the writ petition. A further grievance of the writ petitioner seems to have been that the Pradhan was interfering with the repairing work of the writ petitioner's shop room.

The learned Judge disposed of the writ petition with the following direction:

"The instant writ petition is disposed of by directing the Block Development Officer, Pursurah to take all necessary steps to ensure that there is no encroachment of the PWD land in and around the area which has been mentioned by the petitioner in his representation and in the writ petition. All necessary steps shall be taken by the said officer strictly in accordance with law upon notice to all the

necessary parties within a period of four months from the date of communication of a copy of this order. The said respondent shall communicate the action taken report to all the necessary parties, including the petitioner.”

Learned Advocate for the appellant says that the Bank is operating from the concerned premises since 1988. It has approximately 18000 constituents including 7000 farmers and 4000 self-help groups.

The Bank says that the order under challenge should not in any manner affect the premises from where the Bank is operating. However, in the event it is indicated by the Competent Authority that the Bank is encroaching on any portion of PWD land, the Bank will take steps to see that such encroachment is removed. If necessary, the Bank will relocate its business at some other place.

If the Competent Authority points out to the Bank any encroachment and the extent of it, the Bank, in whatever manner it deems fit, shall ensure removal of such encroachment within a period of four months from the date of the encroachment being pointed out to the Bank.

No useful purpose will be served in keeping the appeal pending.

Since we have not called for affidavits, the allegations in the stay application are deemed not to be admitted by the respondents.

M.A.T. No.1973 of 2022 is, accordingly, disposed of along with IA CAN 1 of 2022.

Urgent photostat certified copy of this order, if applied for, be supplied expeditiously after compliance with all the necessary formalities.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)