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13.12.2023
jb.

W.P.A. 28036 of 2023
(Utzsho Buildcon Private Limited vs. State of West Bengal & Ors.)

Mr. Jishnu Chowdhury
Mr. Debrup Bhattacharjee
Mr. Raghunath Ghose
Ms. Rituparna Saha
.... For the Petitioner

Mr. L. M. Mahato
Mr. Soumitra Bandyopadhyay
Mr. Priyabrata Batabyal
.... For the State

Instruction submitted on behalf of the respondents is taken on record.

The petitioner applied for long term settlement in respect of the plot in question which has been approved/recommended by the District Magistrate, Paschim Bardhaman and is in process. The petitioner has raised boundary wall surrounding the plot in order to prevent erosion of the land by the adjoining water body. In the meantime the District Magistrate, by an order passed on 23rd November, 2023, has held the petitioner to be unauthorised occupant of a public land and directed removal of such encroachment. The said order has been carried in appeal by the petitioner before the

Principal Secretary, Department of Land and Land Reforms, Government of West Bengal, being the 2nd respondent herein.

It is submitted on behalf of the petitioner that since the 2nd respondent is authorised to deal with the proposal forwarded by the District Magistrate for grant of long term settlement and has also the authority to deal with the appeal, the appeal be directed to be disposed of within a stipulated period and the order impugned be stayed until then.

Learned counsel for the State respondents submits that since a statutory appeal preferred by the petitioner is pending, the petitioner ought to have approached the appellate authority for stay of the impugned order.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that since the statutory appeal preferred by the petitioner is pending before the 2nd respondent who shall also deal with the proposal for grant of long term settlement in favour of the petitioner, the 2nd respondent be directed to dispose of the appeal within one month from the date of communication of this order upon affording reasonable opportunity of hearing to the parties therein, in accordance with law.

The order impugned dated 23rd November, 2023 be stayed till the disposal of the appeal.

The writ petition is accordingly disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)