

27.03.2024
rc/ct.no.10
Item No.717

WPA No. 8871 of 2024
Bhagirath Mondal
Versus
The State of West Bengal & Ors.

Mr. S.P.Lahiri	
Mr. Rajesh Naskar	
Mr. Srijit Halder	..for the petitioner
Mr. Chandi Charan De	
Mr. Anirban Sarkar	...for the State

Affidavit of service filed in Court is taken on record.

Heard learned counsels for the parties.

Pursuant to an order passed by this Court on May 10, 2023 in WPA No. 1881 of 2023 directing the concerned authority to consider and dispose of the representation submitted by the petitioners therein within a stipulated time frame upon hearing all the affected persons and in the light of the observation made by the Assistant Engineer, Salboni National Highway Sub-Division, PW(Roads) Directorate in his order dated September 01, 2022, the Sub-Divisional Officer, Medinipur Sadar by an order passed on October 17, 2023, held that the petitioner had encroached the Government land in question. The Sub-Divisional Officer directed the petitioner to vacate the said land within December 15, 2023. The authority granted liberty to the petitioner to prefer an appeal before the appropriate authority in the event he was aggrieved by the order. Accordingly, the petitioner preferred an appeal

under Section 7 of the West Bengal Public Land (Eviction of Unauthorised Occupants) Act, 1962 before the Collector which is pending. During pendency of the appeal, the Sub-Divisional Magistrate, Medinipur Sadar disposed of the representation submitted by the petitioner by an order passed on March 07, 2024, with an observation that the petitioner was still in unauthorised occupation of the land in question. The Sub-Divisional Magistrate directed the Assistant Engineer, Salboni National Highway Sub-Division PWD (Roads) to evict the unauthorised occupants from the schedule land with a further direction upon the Block Land and Land Reforms Officer, Garhbeta-I to cooperate with regard to demarcation of such land and the Block Land and Land Reforms Officer, Garhbeta-I to act as Executive Magistrate during eviction procedure. The authority directed the Officer-in-Charge, Garhbeta Police Station to maintain law and order during such eviction drive and directed compliance of the order within March 31, 2024. The said order has also been carried in appeal by the petitioner before the Collector and both the appeals are pending.

Learned counsel for the petitioner submits that during pendency of the writ petition a notice has been received by the petitioner from the D.E.& Station Manager, Amlagora CCC, issued on March 19, 2024, informing that the power supply of the petitioner in the shop room run by

him in the plot in dispute shall be disconnected on March 28, 2024.

Learned counsel for the respondents submits that the appeals may be directed to be disposed of within a stipulated time frame in accordance with law.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that since both the appeals preferred by the petitioner are pending, the concerned authority, being the 2nd respondent herein, be directed to consider and dispose of the appeals within one month from the date of communication of this order upon affording reasonable opportunity of hearing to all concerned including the petitioner and the private respondents, in accordance with law.

Pending disposal of the appeals, the 3rd and 4th respondents are restrained from taking any coercive steps against the petitioner in respect of the plot in question.

The parties are to act on the basis of the server copy downloaded from the official website of this Court.

With the above observations and directions this writ petition is disposed of.

There shall be, however, no order as to costs.

Since no affidavit 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 upon compliance of necessary formalities.

(Suvra Ghosh,J)