

11.07.2024
Item No.15
PG/KS
Ct. No.1

W.P.A.(P) 271 of 2024

**Sankar Kumar Maity & Ors.
Versus
The State of West Bengal & Ors.**

Mr. Saibal Kr. Acharya
Mr. Pradip Paul
Ms. Renesa Dey.....for the petitioners

Mr. Samrat Sen, Ld. AAAG
Mr. Jaharlal De
Ms. Manali Alifor the State

1. The petitioners are before this Court for the second time for the same issue i.e. alleging that the pisciculture operations are being allowed in a pond without any tender process.
2. The earlier writ petition was disposed of by the Hon'ble Division Bench by order dated 14th February, 2022 in W.P.A. (P) 96 of 2021 by directing the 2nd respondent therein, viz., the District Magistrate to consider the petitioners' representation dated 27th January, 2021 within a time frame. If any illegality is found by the District Magistrate, as alleged by the petitioners, due action in accordance with law to be taken against the persons responsible for committing the said illegality.
3. The District Magistrate has scrupulously complied with the directions issued by this Court and has passed a speaking order dated 22nd February, 2023, in which it has been ordered that as per the West Bengal Land and Reforms Rules 266 and sub-rule (ii) and Rule 266 C,

the Panchayat Authority will take immediate steps to lease out the pond by way of tender process.

4. The District Magistrate and Rural Development Officer, Paschim Medinipur was directed to issue an explanation letter to the concerned Pradhan for violating W.B.L.R. Rules and Finance Rules. Block Land and Land Reforms Officer, Kharagpur-II was directed to assess and recover the fees from Paitosh Maity and others with the help of the Block Development Officer, Kharagpur-II for using the Government pond from the year 1997 to 2021.
5. The petitioners allege that though the order was passed by the District Magistrate but till date, the authorities have not implemented the order.
6. As long as the order passed by the District Magistrate dated 22nd February, 2023 has not been varied or set aside by the authorities on whom the directions have been issued, they shall have to obey the order, failing which the District Magistrate can initiate disciplinary actions against those officers.
7. Therefore, we direct the respondents 3 to 8 to scrupulously carry out the directions issued by the District Magistrate in the aforementioned order. The directions issued to the respondent authorities should be complied with by them within three weeks from date and the respondent authorities are directed to submit a compliance report to the District Magistrate.

8. Needless to state that as long as the order passed by the District Magistrate is in force, the Panchayat authorities are not entitled to permit any person to entertain pisciculture operations without following the tender process.
9. With the aforesaid directions/observations, the writ petition is disposed of.
10. No costs.
11. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)