

14 14.10.2024
Sc Ct. no.7

WPA 17289 OF 2024

Sukdeb Ghosh

Vs.

The State of West Bengal & Ors.

Mr. Tanmoy Chattopadhyay, Adv.

.... For the Petitioner

Ms. Sabnam De Bardhan, Jr. Govt. Adv.

Mr. Manas Kumar Sadhu, Adv.

....For the State

Mr. Sourav Paul, Adv.

....For the Respondent
No.10

1. The affidavit-of-service and the printed copy of the mail as filed on behalf of the writ petitioner, are taken on record.
2. By filing the instant writ petition the writ petitioner has prayed for issuance of appropriate writ of mandamus directing the respondent authorities to pay adequate compensation for illegally acquiring and/or encroaching his land at the instance of the respondent no.10, i.e. Baigachi-II Gram Panchayat.
3. In course of hearing learned advocate for the writ petitioner at the very outset draws attention of this Court to page no.17 of the instant writ petition being a copy of the letter dated 24.11.2021 as written by the writ petitioner to the office of the

A.D.M. Development Officer, Collectorate, District – Malda wherein he alleges that the respondent no.10 Authority had encroached 10 decimals of land in a Mango Orchard for construction of a metal road.

4. Materials have been placed before this Court that the Addl. District Magistrate (Panchayat), Malda under cover of his letter dated 30.11.2021 (page no.18 of the writ petition) forwarded the said letter to the BL&LRO, Gazole, Malda for consideration.
5. Drawing attention to page no.24 of the instant writ petition it is submitted that subsequently a notice dated 25.7.2022 was served upon the writ petitioner and the respondent no.10 Authority by the BL&LRO, Gazole, Malda but the fate of the representation of the writ petitioner was still unknown to the writ petitioner.
6. On comparative study of the entire materials placed before this Court, it reveals that the notice dated 25.7.2022 as claimed to have been issued by the BL&LRO, Gazole, Malda is in respect of correction of Record of Rights. No materials have been placed before this Court as to whether BL&LRO, Gazole, Malda had at all considered the representation of the writ petitioner as submitted by him on 24.11.2021 and as forwarded to him by the Addl. District Magistrate (Panchayat) on 30.11.2021.

7. Such being the position, this Court while disposing of the instant writ petition directs the BL&LRO, Gazole, Malda to consider the letter dated 24.11.2021 as a representation of the writ petitioner and after issuing notice both to the writ petitioner as well as to the respondent no.10 Authority i.e. the Pradhan of Bairgachi-II Gram Panchayat, District – Malda, shall pass a reasoned order and thereafter communicate such reasoned order both to the writ petitioner and the respondent no.10 Authority by Speed Post.
8. The entire exercise, as indicated above, is to be completed within the last day of December, 2024.
9. It is made clear that the time limit as fixed by this Court is mandatory and peremptory.
10. Liberty is given to communicate this order.
11. The BL&LRO, Gazole, Malda is directed to act on the server copy of this order.
12. The instant writ petition, WPA 17289 of 2024, stands disposed of.
13. There shall, however, be no order as to costs.
14. Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Partha Sarathi Sen, J.)