

05.09.2024  
Supp List.1  
Ct. No.15  
S.A.

**WPA 19642 of 2024**

**Tapan Jana & Anr.**

**-vs-**

**The State of West Bengal & Ors.**

Mr. Siddhartha Banerjee

Mr. Sitikantha Mitra

Mr. Balaram Pandit

Mr. Amit Nath

...for the petitioners

Mr. Sankar Prasad Dalapati

Mr. Pritam Choudhury

...for respondent nos.6 to 10

It is the grievance of the petitioners that the alleged unauthorised construction on the relevant plot in Mouza-Kashtala, District-Purba Medinipur was ordered to be demolished by the Sub-Divisional Officer, Contai by an order dated January 17, 2024. The petitioners, being aggrieved, preferred an appeal before the District Magistrate, Purba Medinipur. During pendency of the appeal, respondent are trying to implement the demolition order dated January 17, 2024.

On behalf of the respondent nos.6 to 10, it has been submitted that the order of demolition dated January 17, 2024, was passed in compliance with an order passed by a Division Bench of this Court in a Public Interest Litigation (WPA (P) 160 of 2023).

It has further been submitted that a contempt application has also been filed seeking implementation of the said order.

The State submits that the order of the High Court must be complied with.

It appears from the order dated April 17, 2023, passed in WPA (P) 160 of 2023 that a Division Bench presided by the Hon'ble Chief Justice directed the authorities to initiate the action under West Bengal Public Land (Eviction of Unauthorised Occupants) Act, 1962.

The demolition order dated January 17, 2024 has been passed in terms of the said Act of 1962 only.

Section 7 of the Act provides for a remedy of appeal.

In my view, the petitioners should be allowed to exhaust the remedy of appeal before the order of demolition dated January 17, 2024 is implemented.

Accordingly, this writ petition is disposed of with a direction upon the District Magistrate, Purba Medinipur to dispose of the appeal preferred against the order dated January 17, 2024, passed by the Sub-Divisional Officer, Contai within a period of one month from the date of communication of this order.

There shall be a stay of operation of the order dated January 17, 2024 for a period of two weeks from date. The petitioners are at liberty to approach

the appellate authority for extension of this interim order. The appellate authority shall consider the extension at its direction.

The parties are at liberty to communicate this order.

Needless to mention that the respondents shall act according to the outcome of the appeal.

Accordingly, **WPA 19642 of 2024** is disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties on compliance of usual legal formalities.

**(Kausik Chanda, J.)**