

D/L.05.
December 20, 2024.
KAUSHIK

WPA No. 25621 of 2023

Ansar Ali Sk.
Vs.
The State of West Bengal and Others

Mr. Arup Banerjee
... for the petitioner.

Mr. Atanu Biswas
Mr. Mrinal Saha
... for the respondent nos. 7 & 8.

Mr. Jyoti Prakash Chatterjee
... for the respondent nos. 9 & 10.

Mr. Amal Kumar Sen
Ms. Ashima Das (Sil)
... for the State.

The grievance of the petitioner is directed against an order dated September 4, 2023 directing demolition of the land belonging to the petitioner.

This is the second round of litigation between the parties and the impugned order has been passed in alleged compliance of the direction dated January 19, 2023 passed in a prior writ petition being WPA 8236 of 2022.

By an order dated December 10, 2024, the concerned Pradhan, who is the alleged author of the impugned order, was directed to be present in Court.

Upon being confronted with the impugned order, the Pradhan fairly conceded that she does not understand nor speak fluent English. It is evident that the Pradhan is not the author of the impugned order. Under such circumstances, the impugned order is ex facie a product of fraud, fabrication and interpolation. There is no regularity which can be attached to the impugned order. As such, there has been no compliance with the order dated 19 January, 2023.

In view of the above, the impugned order is a nullity and is quashed. Liberty is granted to the petitioner to take appropriate steps whether civil or criminal against the Pradhan, if so advised and in accordance with law.

The matter is remanded to the respondent no. 2 being the concerned District Magistrate, who is directed to comply with the order dated January 19, 2023.

It is made clear that this Court has not gone into the underlying merits of the case and all issues are left open to be decided by the concerned District Magistrate.

With the above directions, WPA 25621 of 2023 stands allowed.

Since no affidavits have been called for, the allegations contained in the writ petition are

deemed to have not been admitted by the respondents.

There shall be no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be made available to the parties upon compliance of necessary formalities.

(Ravi Krishan Kapur, J.)