

10.04.2025
Item No.16
PG/Aritra
Ct. No.1

W.P.A. (P) 95 of 2025
Sk. Ibrahim Mondal
Versus
The State of West Bengal & Ors.

Mr. Sakabda Roy
Mr. Anindya Halder

.....For the Petitioner

Mr. Anirban Ray, Ld. GP
Mr. Sk. Md. Galib, Ld. Sr. Govt. Advocate
Mr. Alok Banerjee.....For the State

1. The petitioner has filed this writ petition as a public interest litigation stating that the respondents have to file a detailed report as to the steps taken by the authorities in respect an alleged illegal transfer of land, which was brought to the notice of the parties.
2. Learned advocate for the petitioner referred to an earlier order passed in W.P.A. (P) 149 of 2022 filed by the very same petitioner, which was disposed of with certain directions dated June 6, 2022.
3. In the writ petition, it is alleged that the petitioner, though participated in the hearing, has not been communicated with the order passed by the District Magistrate. This averment in the writ petition has been shown to be absolutely false in the light of the written instructions given by the Assistant Land Acquisition Officer, Land Acquisition Department, North 24-Parganas dated March 19, 2025.
4. The enclosures to the said report shows that the field inquiry report of the Surveyor was handed over to the learned advocate for the petitioner on February 27, 2023 and the same has been acknowledged by Mr. Surendra Kumar Sharma, learned advocate. It is the said learned advocate,

who had appeared for the writ petitioner in the earlier writ petition, as could be seen from the order passed in the said writ petition dated June 6, 2022. This fact has not been brought to the notice of the Court. Apart from that, the District Magistrate has conducted the necessary inquiry and has passed series of orders and on February 27, 2023, the petitioner's advocate had participated in the proceedings.

5. Therefore, it is not a case, where the authorities did not proceed to take action but have taken action but the petitioner was not diligent in prosecuting the matter further. Rather suppressing the facts of the action taken, this writ petition has been filed by engaging a different counsel. Therefore, it is a fit case to be dismissed with exemplary cost.
6. However, since a new counsel is appearing in the matter, who appears to have not been instructed properly, we refrain from imposing cost, as it may cause certain prejudice to the learned advocate, who is appearing in the writ petition.
7. With the aforesaid observations, the writ petition is dismissed.
8. No costs.
9. 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

(CHAITALI CHATTERJEE (DAS), J.)