

02.01.2025
Item No.07
RP/AN
Ct. No.01

WPA(P) 422 of 2024

Dipak Roy
Vs.
The State of West Bengal & Ors.

Mr. Haradhan Banerjee, Sr. Adv.
....For Petitioner
Mr. Koushik Chatterjee
Mr. Oindrila Sinha
Mr. Nilanjan Adhikari
....for Respondent Nos.5 and 6
Mr. Anirban Ray, Ld. GP
Sk. Md. Galib
Mr. Kapil Guha
....for State

1. This public interest litigation is filed by a person, who claims to be a member of the family of the donors of the land to the Bankim Chandra Chattopadhyay National Memorial Trust, which was created by a deed of trust dated 19th February, 1977. As could be seen from the rules and regulations of the said trust there were twelve trustees and the thirteenth trustee is said to be the nominee of the District Magistrate, Midnapore. The petitioner alleges that the 5th respondent/municipality has illegally constructed a road in the middle of the trust property without initiating any acquisition proceeding or paying any compensation to the trust. There is, however, every likelihood that the statue of

Rishi Bankim Chandra Chattopadhyay will be destroyed.

2. Learned advocate appearing for the municipality pointed out from the Record of Rights that there is an existing pathway. According to the learned advocate appearing for the petitioner the road which has been constructed is not the said pathway. Thus, this disputed issue cannot be adjudicated in the writ petition based on affidavits. Therefore, the only remedy available to the petitioner is to approach the District Magistrate, Purba Medinipore by way of a detailed representation, which appears to have been given by the petitioner on 26.6.2024.
3. Therefore, we direct the District Magistrate, Purba Medinipore to consider the representation dated 26.6.2024 and direct one of his officer to inspect the said plot of land in question after notice to the petitioner as well as the 5th respondent/Contai Municipality and examine the Record of Rights and other documents which the petitioner may produce and pass a reasoned order on merits in accordance with law. In order to facilitate compliance of the above direction the petitioner is directed to appear in person in the office of the District Magistrate, Purba Medinipore, produce a copy of the representation along with a copy of the order and other documents in support of his claim and after which the above

direction shall be complied with by the District Magistrate, Purba Medinipore within 12 weeks from the date of submission of the representation.

4. With the above direction, this writ petition is disposed of.

(T.S SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)