

**04.03.2025
Item No.29
BR**

**WPA 26908 of 2014
Jatindra Nath Manna
-vs-
State of West Bengal and ors.**

Mr. Prasanta Bishal
.... For the petitioner

Affidavit of service filed by the petitioner be kept with the record.

In spite of being served there is no representation on behalf of the respondents.

The present writ petition has been preferred by the petitioner being aggrieved with the conduct of the respondents who have failed to construct a sub-centre on the land gifted by him by way of a registered deed of gift.

It is further submitted that in spite of there being an agreement to construct a sub-centre on the land gifted, the respondents have decided to construct the sub-centre elsewhere.

In a prior writ application on being prima facie satisfied the Court had directed the construction on the other land to be stopped.

It appears that the said construction work still remains stopped since 6.12.2012 as it appears from the Notification dated 14.2.2013 issued by the Chief Medical Officer of Health, Purba Medinipur to the CMOH, Nandigram Health District.

The petitioner has now prayed that his fresh representation dated 17.2.2011 be considered by the respondent authorities in accordance with law and that as per terms of agreement and the deed of gift, the sub-centre be constructed on the land gifted by the petitioner.

As the State has not appeared, it remains a mystery as to why the respondents have chosen not to construct the sub-centre in the land gifted by the petitioner as per due agreement.

In course of hearing, the learned counsel for the petitioner has placed a copy of letter issued by the CMOH, Purba Medinipur to the CMOH, Nandigram Health District dated 19.1.2025 wherein it has been stated that Rankinipur Health Sub-centre under Nandigram-II Block is within the jurisdiction of Nandigram Health District.

It appears that the representation dated 17.2.2011 filed by the petitioner has been addressed to the Chief Medical Officer of Health, Purba Medinipur.

Considering the said facts and in the interest of justice it is directed that the Chief Medical Officer of Health, Nandigram Health District, Purba Medinipur shall consider the representation submitted by the petitioner herein which is dated 17.2.2011 which shall be forwarded by the CMOH, Purba Midnapore and pass a reasoned order on hearing the petitioner and other stakeholders and dispose of the said representation within 60 days from the date of communication of this order in accordance with law.

It is made clear that in case it appears to the Health Officer that the land was actually gifted by the petitioner for the sub-centre and for reasons based known to the administration the sub-centre has been constructed elsewhere and in case the said authority decides that the construction at the alternative space shall remain and that the authorities do not intend to use the gifted land for the purpose it was gifted, the authorities shall take necessary steps for return of the said land to the petitioner, who shall be at liberty to move the

appropriate forum for cancellation of the said deed.

Accordingly, WPA 26908 of 2014 stands disposed of.

Parties are at liberty to act on the server copy of this order.

Urgent Photostat certified copy of this order, if applied for, be given to the learned counsel for the parties on usual undertakings.

(Shampa Dutt (Paul), J.)