

WPA 3074 of 2023

Mr. Masud Karim
Mr. Zahid Mahmood
Mr. Galib Ahsan ...for the petitioners.

Mr. Chandi Charan De
Mr. A. Sarkar ...for the State.

Mr. Lakshminath Bhattacharya
...for the intervenor.

Heard learned counsels for the parties.

The petitioners have challenged the order passed by the District Magistrate, South 24 Parganas on 19th January, 2023 directing the State authorities to restore the government land to its original character by removing the encroachers/writ petitioners therefrom.

This Court is informed that proceeding under Section 10 of the West Bengal Highways Act, 1964 was initiated pursuant to an order passed by a co-ordinate Bench of this Court on 24th February, 2022 in WPA 12264 of 2021.

In a contempt application filed before the co-ordinate Bench for non-compliance of the order of the Court, it was submitted before the Court that 8th February, 2023 has been fixed for carrying out the order of demolition of the unauthorised structures.

The order passed on 31st January, 2023 is set out:

“Representative of the office of the District Magistrate, South 24-Parganas submitted that the appeal against the order of the SDO has been disposed of affirming the order of demolition. Departmental proceedings have been recommended against the BL & LRO, Mandir Bazar. The Executive Engineer, PWD, Diamond Harbour Division has been cautioned by the District Magistrate. It is submitted that the Executive Engineer has fixed the date, i.e. 8th February, 2023, for carrying out the order of demolition of the unauthorized structures.

List the matter on 10th February, 2023 at the top.

Exception, if any, to the report of the District Magistrate may be taken within next four days upon prior service to the office of the District Magistrate.”

In view of the fact that the matter in issue in the present writ petition has been dealt with by the co-ordinate Bench earlier, judicial propriety demands that the present writ petition be also dealt with by the same Bench.

In view of the above, the matter is released and be placed before the appropriate Bench for consideration.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)