
(2018) 12 CAL CK 0109
In the Calcutta High Court
Case No : Temporary Number No. 86 Of 2018

Noor Alam @ Nur Alam

APPELLANT

Vs

State Of West Bengal & Ors

RESPONDENT

Date of Decision : 18-12-2018

Acts Referred:

Citation : (2018) 12 CAL CK 0109

Hon'ble Judges : Subrata Talukdar, J

Bench : Single Bench

Advocate : Saurabh Guhathakurata, Tanuka Basu, Tapas Kumar Adhikari

Judgement

Party/parties is/are represented in the order of their name/names as printed above in the cause title.

Mr. Guhathakurata, learned Advocate appearing for the petitioner, submits that the shop room of the petitioner is beyond the scope of purview of the order of this Court dated 22nd November, 2018 in W.P. 17706(W) of 2018 inasmuch as it is outside the Plot Nos. 2749 and 819, Mouza- Pandua under Pandua Gram Panchayat (GP).

Mr. Guhathakurata submits that by the order of 22nd November, 2018, the added Respondent/ the District Magistrate, Hooghly was directed to remove the unauthorised construction/ encroachment over the Plot Nos. 2749 and 819.

Taking this Court to page 27 of the writ petition read with page 44 thereof, which are respectively the order No. 2134 dated 7th December, 2018 as modified by the order dated 13th December, 2018 of the Respondent No. 6/the Sub-Divisional Officer-cum-Magistrate, Sadar, Hooghly (the SDO), Mr. Guhathakurata submits that the order of demolition of the shop room of the petitioner has been pasted on its wall and the demolition scheduled for 18th December, 2018, that is, today at 5.00 p.m. Therefore, learned Counsel for the petitioner, pleads utter urgency on such score.

Mr. Adhikari, learned Counsel, who represented the State-Respondents in W.P. 17706(W) of 2018, appears at short notice. Let a copy of the writ petition be served on Mr. Adhikari.

Let the appointment of Mr. Adhikari and a junior of his choice to the brief be regularised.

After hearing Mr. Guhathakurata and also considering the finality attained by the order dated 22nd November, 2018 in W.P. 17706(W) of 2018 (supra), this Court, only directs the Respondent No. 6/the SDO to first enquire whether the shop room of the petitioner falls within the Plot Nos. 2749 and 819 as covered by order dated 22nd November, 2018 and, in the event the contention of the petitioner placed before Court today is found to be correct to the effect that the shop room is outside the boundaries of Plot Nos. 2749 and 819, the demolition in respect of such shop room shall remain stayed until further orders.

However, in the event, the Respondent No. 6/the SDO upon giving an opportunity of hearing to the parties affected, is satisfied that the shop room of the petitioner is not strictly outside the boundaries of Plot Nos. 2749 and 819 as covered by the order dated 22nd November, 2018, the Respondent No. 6/ the SDO shall forthwith proceed to give effect to the order dated 22nd November, 2018. For the purpose of his enquiry the Respondent No. 6/the SDO shall be eligible to requisition the cooperation of the appropriate authorities on the ground such as the Block Land & Land Reforms Officer (BL&LRO), among others.

Mr. Adhikari is permitted to revert to this Court with complete instructions on the next date.

The petitioner shall also serve notice of this order on learned Advocate for the petitioner as well as the petitioner in W.P. 17706(W) of 2018 and file and Affidavit-of-Service on the next date.

Let the matter appear as 'Fixed at 10.30 a.m.'" at the first sitting of the Court on 21st December, 2018.

Liberty is granted to the parties to act on a gist of the communication of this order.

Documents filed in Court today by the parties be retained with the record.

Urgent Photostat certified copies, if applied for, be supplied to the parties subject to compliance of all requisite formalities.