

07.12.2021
rc/ct.no.10
Item No.01

**WPA No. 17912 of 2019
with
CAN No. 1 of 2021
with
CAN No. 2 of 2021
Sk. Golam Mostafa & Anr.
Versus
The State of West Bengal & Ors.**

Mr. Syed Shamsul Arefin
...for the Petitioners/Applicants

Mr. Chandi Charan De
Mrs. Chandana Ghoshfor the State

Re : CAN No. 2 of 2021

This is an application for restoration of the writ petition which was dismissed for default by an order dated March 11, 2020.

Sufficient grounds being made out by the petitioner as to his non-appearance on the relevant date, CAN No. 2 of 2021 is allowed.

Learned counsel appearing on behalf of the State-respondents also raises no objection to this application.

The order dated March 11, 2020 is recalled/set aside.

WPA No. 17912 of 2019 is restored to its file and number.

CAN No. 2 of 2021 is disposed of accordingly.

Re : CAN No. 1 of 2021

This is an application for expunging the name of petitioner no. 2 in the writ petition.

Heard learned counsels appearing for the parties. Learned counsel appearing on behalf of the petitioner submits that during pendency of the writ petition the 2nd writ petition expired on June 04, 2021 and his legal heirs are not interested in proceeding with the matter. The 1st petitioner, therefore, prays for expunging the name of the 2nd petitioner in the cause title of the writ petition.

Accordingly, the name of the 2nd petitioner is expunged from the cause title of the writ petition.

The cause title of the writ petition be amended accordingly.

CAN No. 1 of 2021 is disposed of.

Re : WPA No. 4155 of 2016

On the prayer of the learned counsel appearing on behalf of the petitioner liberty is granted to the petitioner to implead the Special Land Acquisition Officer, Paschim Medinipur as respondent no. 5 in the writ petition.

The cause title of the writ petition be amended accordingly.

Heard learned counsels appearing for the parties.

The petitioner complains that his land has been acquired by the State Authorities for expansion of public road but no compensation has been paid to him for the same. The petitioner seeks liberty to submit a representation before the concerned authority in this regard and prays for a direction upon the concerned authority to consider the said representation at the earliest.

The State-respondents concede to the submission of the petitioner.

Accordingly, the writ petition being WPA No. 17912 of 2019 is disposed of with liberty to the petitioner to submit a representation before the respondent no. 5 within a fortnight from date. Such representation shall be considered and disposed of by the authority (respondent no. 5) within three months from the date of receipt of such representation after giving reasonable opportunity of hearing to all the interested parties, including the petitioner, in accordance with law.

There shall be, however, no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)