

August 05, 2021

ARDR

(33)

WPA 3150 of 2021

Jamila Parveen & ors.

Vs.

The State of West Bengal & Ors.

Mr. Debasish Kundu, ...for the petitioner.

Mr. Satyajit Talukdar,
Ms. Somashree Dey, ...for the KMDA.

Mr. Susovan Sengupta,
Mr. Manas Kumar Sadhu, ...for the State.

The sole grievance of the petitioner pertains to a prayer for non-consideration of her application for de-requisition of the subject premises.

It is submitted on behalf of the petitioner that notwithstanding her premises having been acquired by the State respondents, a portion of the same has not been utilised by the State. Hence, the petitioner was compelled to make an application for de-requisition of a portion of the acquired premises. The application of the petitioner was made on 3rd December, 2020 and the same has not yet been considered nor disposed of by the State authorities.

Mr. Sengupta appears for the State respondents and submits that in view of the averments made in this petition, it is evident that the said premises has vested in the State.

It is also submitted by Mr. Sengupta that once the property has vested in the State, there is no scope for de-requisition in law.

He further submits that since the application has been made by the petitioner before the respondent no.4, the same may be considered in accordance with law.

Mr. Talukdar, appears for the KMDA and submits that the subject premises has vested in the State.

In view of the submissions made on behalf of the parties, I direct the respondent no.4 to consider the application for de-requisition dated 3rd December, 2020 appearing as Annexure P/8 to the petition in accordance with law within a period of three months from date after giving a right of hearing to all the affected parties including the State and the KMDA.

I make it clear that I have not gone into the merits of the controversy and nothing in this order will influence the respondent no.4 insofar as the merits of the case are concerned in considering the representation of the petitioner.

Since, no Affidavits have been filed on behalf of any of the respondents, the allegations contained in this petition are not admitted.

With the aforesaid directions, WPA 3150 of 2021 is disposed off. However, there will be no order as to costs.

(Ravi Krishan Kapur, J.)