

August 18, 2021

ARDR

(32)

WPA 3197 of 2021

Dilara Khatun & ors.

Vs.

The State of West Bengal & Ors.

Mr. Gour Baran Sau,

...for the petitioners.

Mr. Chandi Charan De,

Mr. Anirban Sarkar,

...for the State.

The grievance of the petitioners is directed against non payment of compensation in respect of the subject acquisition proceeding.

The petitioners assail an order dated 7th September, 2020 issued by the Special Land Acquisition Officer, Malda.

It appears from the said order that the concerned Officer has, in the peculiar facts and circumstances of the case, been unable to decide the issues raised by the concerned officer. In fact, there is a question of violation of principles of natural justice which has resulted in the impugned order dated 7th September, 2020.

Mr. De appearing for the State fairly submits that the matter be remanded to the Additional District Magistrate, Malda to decide the present controversies raised in the proceedings.

In view of the aforesaid, the Additional District Magistrate, Malda is directed to go into the question of

payment of compensation to the petitioners, if any, in accordance with law, after giving a right of hearing to all the affected parties and dispose of the proceeding within a period of three months from date.

I make it clear that I have not gone into the merits of the controversy raised by the petitioners and the Additional District Magistrate is not to be influenced by any observation or finding insofar as the merits of the case are concerned.

The petitioners are at liberty to add the Additional District Magistrate as a party respondent to the petition.

With the aforesaid directions, WPA 3197 of 2021 is disposed off.

(Ravi Krishan Kapur, J.)