

02.03.2021
(S/L-07)
Ct.-18
(Susanta)

(Via Video Conference)

W.P.A. 4120 of 2021

Abdul Ahid Alias Hitu Mondal & Ors.
-Vs-
The State of West Bengal & Ors.

Mr. Udaynarayan Betal,
..... For the Petitioners.

Mr. Chandi Charan De,
Ms. Reshmi Rahaman,
..... For the State Respondents.

Affidavit-of-service filed in Court today be
kept with the record.

The petitioners are claiming to be the owners
of two decimals of land comprised in L.R. Plot
No.1981, two decimals of land comprised in L.R.
Plot No. 1981 and two decimals of land
comprised in L.R. Plot No. 1982 under Mouza
Jothkanai, J.L No. 20, Police Station Domkal,
District Murshidabad.

The record of rights annexed to the writ
petition justifies such claim of the petitioners.

The Block Development Officer Domkal,
District Murshidabad, the respondent no. 10
herein, by a Memo being No. 3242/En dated
December 22, 2020 has issued a letter of
acceptance-cum-supply order for the work for
supply materials for construction of cement

concrete road from Tulshipur from the house of the petitioner no. 1 to the house of Jahima.

The petitioners are complaining that the authorities are forcefully taking their land without any due process of law.

The petitioners on January 5, 2021 by a representation to the District Magistrate, Murshidabad at Berhampore, being the respondent no. 2 herein have prayed for his interference into the matter and have also sought for appropriate relief.

The grievance of the petitioners is that the said respondent no. 2 has not responded to the said representation of the petitioners till date.

No person shall be deprived of the possession and ownership of his land without due process of law. The allegation of the petitioners, therefore, is serious requiring the respondent no. 2 to take immediate action to dispose of the said representation of the petitioners.

Hence, the respondent no. 2 is directed to dispose of the said representation of the petitioners dated January 5, 2021 appearing at page 17 of the writ petition being annexure "P-3" by a reasoned order in accordance with law by the end of the month of July 2021 after giving an

opportunity of being heard to the petitioners.

Till the disposal of the said representation the land of the petitioners comprised in the aforementioned plots shall not in any way be touched for the purpose of execution of the work for construction of the said road without the same being acquired in due process of law.

The petitioners are directed to communicate this order to the respondent no. 2 within a week from date.

Since no affidavit-in-opposition has been invited, the allegations made in the writ petition are deemed to have been denied by the respondents.

W.P.A 4120 of 2021 is disposed of with the above terms. There shall be no order as to costs.

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

(Biswajit Basu, J.)