

26.11.2021
jb.

W.P.A. 3158 of 2019

(Siraj Mondal & Ors. vs. State of West Bengal & Ors.)

Mr. Sarbananda Sanyal
.... For the Petitioners

Mr. Susovan Sengupta
Mr. Manas Sadhu
.... For the State

Affidavit-of-service filed on behalf of
the petitioners be taken on record.

None appears for the private respondent
despite service of notice.

Heard learned counsels for the
petitioners and the State.

The petitioners complain that their land
has been acquired by the Public Health
Engineering Department for construction of
pump house therein and compensation with
regard to the same has been granted only to
the private respondent who is one of the co-
sharers in respect of the land. The

petitioners and the private respondent are in fact co-sharers in respect of the land in question. The petitioners submitted representations before the respondent authorities on 9th February, 2015 and 19th July, 2016 ventilating their grievance, but the said representations have not been considered as yet. The petitioners pray for consideration of their representations at the earliest.

It is submitted on behalf of the State authorities that the land in question was handed over to the Public Health Engineering Department by the private respondent who is admittedly a co-owner in respect of the land along with the petitioners, for the purpose of providing Arsenic free water to the public at large including the petitioners and the private respondent. As the land was voluntarily handed over by the private respondent, the question of compensation does not arise.

Upon consideration of the submissions made on behalf of the parties and material on record, this Court is of the view that it is not in dispute that the petitioners and the

private respondent are co-owners in respect of the land. The land is presently occupied by the Public Health Engineering Department. The representations submitted by the petitioners is still pending before the authority.

In view of the above, I dispose of the writ petition with a direction upon respondent No. 5 to consider and dispose of the representations submitted by the petitioners on 9th February, 2015 and 19th July, 2016 within a period of three months from the date of communication of this order after giving reasonable opportunity of hearing to all the interested parties including the petitioners and the private respondent, in accordance with law.

W.P.A. 3158 of 2019 is thus disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)