

27.09.2021
rc/ct.no.10
Item No.08

WPA No. 4421 of 2019
with
CAN No. 1 of 2021
Sheikh Rahaman
Versus
The State of West Bengal & Ors.

(VIA VIDEO CONFERENCE)

Mr. Debasish Das	...for the Petitioner
Mr. Swapan Kumar Dutta	
Mr. Dipankar Das Gupta	...for the State

Re : CAN No. 1 of 2021

This is an application for restoration of the writ petition which was dismissed for default by an order dated July 13, 2021.

Sufficient grounds being made out by the petitioner as to his non-appearance on the relevant date i.e. on July 13, 2021, CAN No. 1 of 2021 is allowed.

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

The order dated July 13, 2021 is recalled/set aside.

WPA No. 4421 of 2019 is restored to its file and number.

CAN No. 1 of 2021 is disposed of accordingly.

Re : WPA No. 4421 of 2019

The petitioner's grievance is that under scheme of acquisition of land for the purpose of widening the Contai-

Belda Road the petitioner's land was acquired by the State authorities. Subsequently the Land Acquisition Collector, Midnapore issued a notice to the owners of the land including the petitioner for relinquishing 50 ft. of land from both sides of the road and a sketch map was published to that effect by the respondent no. 3. Learned counsel appearing for the petitioner submits that despite such sketch map being prepared the portion of land of the petitioner to be relinquished has not been demarcated by the authorities.

Having considered the submissions made by the learned counsels appearing on behalf of the parties and the material on record, I dispose of the writ petition with liberty to the petitioner to submit a representation expressing his grievance before the respondent no. 3 within a week from date. If such representation is made by the petitioner, the respondent no. 3 shall consider and dispose of the representation filed by the petitioner upon taking consideration of the sketch map prepared by the said respondent and giving an opportunity of hearing to the petitioner within a period of three months from the date of receipt thereof.

With the above observations and directions this writ petition being WPA No. 4421 of 2019 is disposed of.

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

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

It is made clear that I have not gone into the merits of this case and all points are left open to be placed by the petitioner at the time of hearing.

Urgent certified website copy of this order, if applied for, be furnished to the parties on usual undertakings.

(Suvra Ghosh,J)