

09.03.2021
(S/L-49)
Ct.-18
(Susanta)

(Via Video Conference)

W.P.A. 8524 of 2017

Terai Tea Company Ltd. & Anr.

-Vs-

Union of India & Ors.

Mr. Sagar Bandyopadhyay,
Ms. Soma Kar Ghosh,
Mr. Niladri Banerjee,

..... For the Petitioners.

Mr. Kumarjyoti Tewari,

..... For the Respondent Nos. 1-3.

The possession of the lands of the petitioners was taken under the provisions of the Defence of India Act, 1962. The said Act when was lapsed, further requisition of the said lands was made under the Requisition and Acquisition of Immovable Property Act, 1952 in the year 1966, some portion of the lands so requisitioned was released in the year 1992.

The petitioners complain that the requisition under the Requisition and Acquisition of Immovable Property Act, 1952 can continue for a maximum period of 17 years and said period since has elapsed long back, the authorities are under the legal obligation either to formally acquire the said lands or to release it from requisition in terms of Section 6 of the said Act of 1952.

The petitioners on December 13, 2016 gave a representation to the Director General of Defence, Ministry of Defence, Government of India, the respondent No. 2 herein and other authorities for consideration of their aforesaid prayer.

The grievance of the petitioners in the present writ petition is that the authorities have kept the said representation pending without any action.

The petitioners therefore pray that the appropriate authority may be directed to dispose of the said representation within a specific period.

Mr. Kumarjyoti Tewari learned advocate appears on behalf of the Union of India. He submits that the Director General of Defence, the respondent no.2 herein, is the appropriate authority for disposal of the said representation of the petitioners.

W.P.A. 8524 of 2017 is disposed of by directing the respondent no. 2 to dispose of the representation of the petitioners dated December 13, 2016 appearing at page 112 of the writ petition being annexure "P-13" in accordance with law by a reasoned order within a period of eight weeks from the date of communication of this order after giving the petitioners and other

concerned parties, if there be any, an opportunity of being heard.

The petitioners are directed to serve a complete copy of the writ petition along with a copy of this order upon the said respondent within a week from date.

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

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.)