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W.P.A. 13021 of 2003
(Kuber Vardhan Mishra vs. State of West Bengal & Ors.)

Mr. Kishore Dutta
Mr. D. N. Maiti
Ms. Sumita Shaw
Mr. A. Santra
.... For the Petitioner

Mr. Chandi Charana De
.... For the State

Heard learned counsels for the parties.

Liberty is granted to the petitioner to implead the Principal Secretary, Land and Land Reforms Department, Government of West Bengal as a party respondent to the writ petition. Cause-title of the writ petition be amended accordingly.

It is submitted on behalf of the petitioner that the petitioner was granted lease for 30 years in respect of the land in question by the Government Authority on 28th July, 1971 and on expiry of the same, the petitioner applied before the Authority for renewal of the lease for a further period of 30 years. Such prayer of the petitioner was considered and rejected by the Additional

District Magistrate and District Land and Land Reforms Officer, Paschim Medinipur by an order dated 23rd July, 2002 on three fold grounds:

- i) The petitioner failed to utilise the leasehold land for the purpose for which it was settled;
- ii) Up to date rents were not paid by the petitioner; and
- iii) The land was required by the Government for public purpose for construction of Central Residential School exclusively for scheduled tribe students.

The petitioner submitted a representation before the Authority against such order and made a further prayer for renewal of the lease. Several dates were fixed by the Authority for hearing the petition and by an order dated 9th July, 2003 the lease of the petitioner pertaining to an area of 10.66 acres of land was determined by the Government. It was also informed by a letter dated 17th July, 2003 that out of 10.66 acres of land, possession of 9.54 acres of land was taken by the Block Land and Land Reforms Officer, on 14th July, 2003 and the petitioner was asked to remove the dilapidated structures on the remaining portion of the land measuring 1.12 acres along with belongings, if any within a stipulated period of time.

Learned counsel for the petitioner candidly submits that such part possession was taken in the year 2003 and the writ petition is pending since then. The petitioner prays for relegation of the matter to the competent authority for fresh consideration of the same on sympathetic and compassionate ground rather than proceeding with the case in an adversarial manner.

Learned counsel for the State concedes to such submission made by the petitioner.

In view of the above, the writ petition is disposed of by relegating the issue to the added respondent being Principal Secretary, Land and Land Reforms Department, Government of West Bengal for consideration of the issue afresh after giving reasonable opportunity of hearing to all the interested parties including the petitioner. It is expected that such exercise shall be completed within a period of two months from the date of communication of this order.

W.P.A. 13021 of 2003 is thus disposed of.

There shall be no order as to costs.

Since no affidavit has been filed, 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.)