

December 06, 2021

ARDR

(22)

WPA 16763 of 2021

Banashree Chatterjee @ Bonosree Chatterjee
Vs.

The State of West Bengal & Ors.

Mr. Sunny Nandy,
Mr. Debabrata Sardar,
Mr. Sandipan Pal,
Mr. Tamal Singha Roy,
Mr. Subhra Pathak,

...for the petitioner.

Mr. Satyajit Talukdar,

...for the KMDA.

Mr. Chandi Charan De,
Mr. Tapas Kumar Kundu,

...for the State.

Affidavit of service filed by the petitioner, be
taken on record.

It is submitted on behalf of the petitioner that
she is the recorded owner of the land in question by
virtue of purchase vide registered deed dated 7th July,
1975 and her name was mutated in respect of such
land on 11th May, 1999.

The petitioner's grievance is that the respondent
authorities have acquired the said land under L.A.
case No. LA-II/03 of 1977 – 78 and LA-II/14 of 1991 –
92, but no compensation has been granted to the
petitioner for the same. The petitioner submitted a
representation before the authority to that effect on 5th
February, 2021 which is yet to be disposed of. The

petitioner prays for a direction upon the authority to dispose of the representation at the earliest.

It is submitted on behalf of the requiring authority, the respondent no.5, that the land in question was acquired in two phases, the first phase being in May, 1978 and the second phase in March, 1994. The petitioner remained silent over such acquisition for a long period of time and it was only in 2020 that she chose to file a representation before the authority claiming compensation. The petitioner is not entitled to any relief in view of such delay and laches on the part of the petitioner.

It is submitted on behalf of the State respondents that the representation filed by the petitioner may be considered by respondent no.4.

Upon consideration of the submissions made on behalf of the parties and material on record, I dispose of the writ petition with a direction upon the respondent no.4 to consider and dispose of the application filed by the petitioner on 5th February, 2021 within a period of three months from the date of communication of this order, after giving reasonable opportunity of hearing to all the parties including the petitioner, in accordance with law.

The petitioner is at liberty to raise all issues, as mentioned in the writ petition, before the authority at the hearing.

With such directions, WPA 16763 of 2021 is dispose of. However, there shall be no order as to costs.

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

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of all necessary formalities.

(Suvra Ghosh, J.)