22
07.12.2021
Ct. No.10
b.das

W.P.A. 17050 of 2021

(Via Video Conference)

Kajal Ghosal & Ors.
Vs.
State of W.B. & Ors.

Mr. Sabyasachi Mukhopadhyay
Ms. K. Banerjee
...for the petitioner.

Mr. Chandi Charan De
Mr. A. Sarkar ...for the State.

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

Heard learned counsels for the parties.

It is submitted on behalf of the petitioners that a plot of land owned and occupied by him was sought to be acquired by the State authorities and notice under Section 3(1) of the West Bengal Land (Requisition & Acquisition) Act, 1948 was issued in favour of the petitioners. No further step was taken by the authority to conclude the proceedings and possession of the land was taken over from the petitioners for construction of Katwa-Karui Metalled road.

Subsequently, the new Act being the Right to Fair Compensation and Transparency in Land Acquisition

Rehabilitation and Re-settlement Act, 2013 came into force and as no award/compensation has been granted to the petitioners till date, the petitioners intend to submit a representation before the concerned authority to that effect and prays a direction upon the authority to consider such representation within a stipulated time frame.

In view of the submission made on behalf of the parties, the writ petition is disposed of with liberty to the petitioners to submit a representation before the respondent No.3 within a fortnight from date. Such representation shall be considered and disposed of by the 3rd respondent within three months from the date of receipt of the representation, after affording reasonable opportunity of hearing to all the interested parties including the petitioners in accordance with law.

It is made clear that this Court has not gone into the merits of the case and it will be open to the petitioners to raise all issues as raised in the present writ petition before the authority at the time of hearing.

With the above observations and directions this writ petition WPA 17050 of 2021 is disposed of.

However, there shall be no order as to costs.

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

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

(Suvra Ghosh, J.)