

16
jdt.

10.12.2021
jb.

W.P.A. 15686 of 2018
(Madan Mohan Kuila & Ors. vs. State of West Bengal & Ors.)

Mr. Lal Ratan Mondal
Mr. Avik Kr. Das
Mr. Dilip Kr Sadhu
.... For the Petitioners

Mr. Chandi Charan De
Mr. Anirban Sarkar
.... For the State

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

The petitioners complain that their land was utilised by the State Authorities without acquisition and no compensation was paid to them for the same. Pursuant to an earlier order of this Court dated 20th December, 2016 passed in W.P. 21249(W) of 2016, the 3rd respondent considered the representation filed by the petitioners in this regard and by an order dated 21st June, 2017 rejected the prayer of the petitioners with an observation that the land in question was acquired vide L.A. Case No. 127 of 1959-60 and compensation was received by the predecessors-in-interest of the petitioners.

The petitioners are aggrieved by the said observation of the Authority and submit that no document was produced by the Authority in support of their contention and as such their representation was not considered in the proper perspective.

Learned counsel for the State suggests that a fresh representation be filed by the petitioners before the Authority and such representation be considered by the Authorities afresh.

Having considered the submissions made on behalf of the parties and material on record, this Court is of the view that the petitioners ought to be given an opportunity to file a fresh representation before the Authority who shall dispose of the same by a reasoned order.

Accordingly, the order dated 21st June, 2017 passed by the 3rd respondent in Miscellaneous Case No. 1/2017 is set aside.

The petitioners are at liberty to submit a fresh representation before the 3rd respondent 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 thereof after granting reasonable opportunity of hearing to the petitioners, in accordance with law.

W.P.A. 15686 of 2018 is thus disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, 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.)