

December 23, 2021

ARDR

(14)

WPA 23059 of 2019

Jitesh Das & ors.

Vs.

The State of West Bengal & Ors.

Mr. Debabrata Karan,

Ms. Sabita Khutia (Bhunya),

Mr. Debopriyo Karan,

...for the petitioners.

Mr. Soumitra Bandyopadhyay,

Mr. Subhashis Bandyopadhyay,

...for the State.

Heard learned counsels for the parties.

It is submitted on behalf of the petitioners that the plots of land owned and possessed by the petitioners adjoining the “ring *bandh*” constructed by the State authorities have been utilised for the purpose of construction of the “ring *bandh*”. But the said plots have not been acquired and, therefore, no compensation was paid to the petitioners for the same. Referring to a copy of the Mouza map of the relevant area, learned counsel for the petitioners points out the plots utilised by the State respondents for construction of the embankment. The petitioners pray for compensation in lieu of such utilisation.

Learned counsel for the State respondents refers to the status report filed by the State respondents and submits that the plots mentioned by the petitioners

have not been acquired or utilised by the authority as claimed.

Upon consideration of the submissions made on behalf of the parties and documents on record, this Court is of the view that the concerned authority should cause physical verification of the plots in question in order to ascertain whether the plots were taken and utilised for construction of the embankment.

The petitioners should submit a comprehensive representation ventilating their grievance, along with all relevant documents before the 7th respondent within two weeks from date. Upon receipt of such representation, the 7th respondent shall consider and dispose of the representation after giving reasonable opportunity of hearing to all the interested parties including the petitioners within a period of three months from the date of communication of this order, in accordance with law.

In considering the representation the competent authority, instead of relying upon the notification of declaration of the plots in question and the possession certificate issued in favour of the requiring body, should undertake physical verification of the plots in question which are alleged to have been utilised for construction of the embankment in presence of the

petitioners in order to ascertain whether such plots were actually utilised for the purpose. The 7th respondent should inform the fate of the representation to the petitioners within a week thereafter.

With such observations and directions, WPA 23059 of 2019 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.)