

04.02.2021
Item no. 40
Aloke
Ct. no.38

(Through Video Conference)
W.P.A. 8613 of 2020
Jitendranath Mahanty & Ors.
Versus
The State of West Bengal & Ors.

Mr. Falguni Bandyopadhyay
... for the petitioners
Mr. Soumitra Bandyopadhyay
Mr. Priyabrata Batabyal
... for the State
Mr. Sataya Ranjan Kundu
Mr. Dilip Kr. Sinha
... for the respondent no. 7

The petitioners claim to be the joint owners of certain landed properties along with the private respondent. They say that the land in question was acquired by the State Government in two phases. Compensation in respect of the first phase of acquisition was paid to the joint owners. However, the compensation in respect of the second phase of acquisition was paid only to the private respondent who claims to be the sole owner of that portion of the land. The submissions made on behalf of the petitioners are disputed by learned Advocate for the private respondent no. 7.

It appears that the petitioners have made a representation dated October 17, 2019 to the Special Land Acquisition Officer, Purulia, being the 4th respondent

herein. The petitioners say that they will be happy if such representation is considered and decided.

Accordingly, I direct the 4th respondent to consider and take a reasoned decision on the representation dated October 17, 2019 made by the petitioners (Annexure P-8 to the writ petition), in accordance with law and the applicable rules/regulations/notifications/circulars, if any, within a period of eight weeks from the date of receipt of a copy of this order along with a copy of the writ petition from the petitioners, after giving an opportunity of hearing to any one of the petitioners and the private respondent or their authorized representatives.

The parties will be at liberty to place all relevant documents in support of their respective cases before the 4th respondent at the hearing to be held before him. The decision so taken by the 4th respondent will be communicated to the parties within a week from the date of the decision.

I have not gone into the merits of the case. It will be upto the 4th respondent to take an informed decision in accordance with law.

If no effect has as yet been given to the memo dated October 29, 2018 (Annexure P-7 to the writ petition), the same shall not be given effect to until a final decision is taken by the 4th respondent as directed above.

With the aforesaid observations, the writ petition is disposed of.

Since no affidavit has been called for, none of the allegations in the writ petition shall be deemed to have been admitted by the respondents.

(Arijit Banerjee, J.)