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09.09.2021
Ct. No.10
b.das

W.P.A. 11005 of 2020

(Via Video Conference)

Amit Ghosh
Vs.
Union of India & Ors.

Mr. Piush Chaturvedi
Mr. Bhagbat Chowdhury
Mr. Somesh Kr. Ghosh ...for the petitioner.

Mr. Chandi Charan De
Ms. Chandana Ghosh ...for the State.

Mr. Ram Chandra Agarwal ...for the UOI.

Mr. Falguni Majhi ...for the Respondent Nos.7 & 8.

The parties are represented.

It is submitted on behalf of the petitioners that the land in question was acquired in violation of Section 6(2) of the Land Acquisition Act, 1894.

According to the petitioner, the declaration under Section 6 of the Act was published on 18th February, 2005 and the award was declared on 13th March, 2007, that is, beyond the stipulated period of time and as such, the proceeding is vitiated under Section 11A of the Act.

The State respondents submit that an application filed by the petitioner before the respondent No.3 was disposed of with an observation that there has been no delay in declaring the award and as such, the question of return of land in favour of the petitioner does not arise.

It is submitted on behalf of the respondent Nos. 7 and 8 that the land has been recorded in their names after payment of mutation fees.

Be that as it may, learned counsel for the petitioner points out that in his order of 11th February, 2020, the respondent No.3 has relied upon Form 5B, a copy of which was not handed up to the petitioner. The petitioner has received copy of such form now and intends to make his submission in respect of the said document before respondent No.3 afresh.

I am inclined to hold that as the petitioner was deprived of opportunity to make his submission before the respondent No.3 with regard to the said document being Form 5B, he should be given another opportunity to make his submission before the authority afresh.

Accordingly, the order dated 11th February, 2020 passed by the Special Land Acquisition Officer, Purba Burdwan, being the respondent No.3 herein is set aside. Respondent No.3 is directed to hear the petitioner and all other affected parties afresh and dispose of the prayer of the petitioner within a period of one month from the date of communication of this order.

WPA 11005 of 2020 is disposed of. There will be no order as to costs.

As affidavits have not been invited, the allegations made in this writ 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.)