

11/02/2021
Item No.91
Court No.38.
AB

Through Video Conference

W.P.A. 11670 of 2020

Bibhu Bhuson Chakraborty & Others

Vs

The State of West Bengal & Others

Mr. Uday Narayan Betal,
Mr. Bhaskar Hutait ...for the Petitioners.

Mr. Chandi Charan De,
Mr. Anirban Sarkar ...for the State.

Affidavit of service filed in Court today be kept
with the record.

The petitioner nos.1 and 2 claim to be the
owners of plot nos.126, 127 and 355 in Mouza –
Narayanbarh, J.L. No.373, Police Station – Sabang,
District – Paschim Medinipur, measuring about 146
decimal, classification Bastu and the petitioner no.3
claims to be the owner of plot nos.358 and 359 in
Mouza – Narayanbarh, J.L. No.373, Police Station –
Sabang, District–Paschim Medinipur, measuring about
11 decimal, classification Bastu.

The petitioners say that on September 29 and
September 30, 2020, some personnel visited their
plots of land, ostensibly from the Irrigation and
Waterways Directorate, put white marker and fixed
pillars on such lands and said that such lands had
been acquired for construction of approach road to a

bridge over Kopaleshwari river. Such personnel called upon the petitioners to remove all structures from the lands in question.

The petitioners say that such personnel again visited the lands in question in the first week of November, 2020 and threatened to remove the petitioners therefrom. They were unable to produce any document pertaining to any acquisition proceeding.

The petitioners have made a representation dated November 6, 2020, addressed to the District Magistrate, Paschim Medinipur. The District Magistrate, Paschim Medinipur, being the 3rd respondent herein, shall take a reasoned decision on such representation of the petitioners, in accordance with law, within a period of six weeks from the date of receipt of a copy of this order along with a copy of the writ petition, after giving an opportunity of hearing to the petitioners or their authorized representative. Till such decision is taken, no adverse action shall be taken by the State Administration against the petitioners or in respect of their lands in question.

If the decision of the 3rd respondent goes against the petitioners, the same shall not be given effect to for a period of three weeks from the date of service of such order on the petitioners.

I have not gone into the merits of the claim of the petitioners. The 3rd respondent shall take an informed decision in accordance with the applicable laws.

Since I have not called for any affidavit, the allegations contained in the writ petition are deemed not to be admitted by the respondents.

WPA 11670 of 2020 is, accordingly, disposed of.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Arijit Banerjee, J.)