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March 23, 2021.

MNS

**CALCUTTA HIGH COURT
In the Circuit Bench at Jalpaiguri**

W. P. A. No. 117 of 2021

(Through Video Conference)

**Sri Binod Chandra Das and others
Vs.
The Special Land Acquisition Officer,
Cooch Behar and others**

Mr. Debabrata Dhar,
Mr. Kunaljit Bhattacharjee

... for the petitioners.

Affidavit-of-service filed in Court today
be kept on record.

Despite service, none appears for the
respondents, although learned counsel for the
petitioners is present.

The grievance of the petitioners is that
the Special Land Acquisition Officer, Cooch
Behar, by an order dated November 25, 2019,
disposed of the application for compensation
of the petitioners in connection with a land
acquisition proceeding on the erroneous
finding that the petitioners did not submit any
papers.

To demonstrate that such finding was
erroneous, learned counsel places reliance on
Annexures- P2 and P3 to the writ petition,

which *prima facie* indicate that the relevant documents were not only submitted by the writ petitioners but were received by the concerned authority.

A bare perusal of Annexures- P2 and P3 to the writ petition establishes that the office of the Special Land Acquisition Officer, Cooch Behar, had received the documents submitted by the petitioners well ahead of the date of hearing, that is, November 25, 2019.

Hence, the impugned order dated November 25, 2019 was patently perverse in so far as it was recorded therein that no documents had been filed by the petitioners to substantiate their case.

In such view of the matter, W.P.A. No. 117 of 2021 is allowed, thereby setting aside the impugned order dated November 25, 2019 passed in Miscellaneous Case No. 3 of 2019 by the Special Land Acquisition Officer, Cooch Behar, and directing the said officer to reconsider, in accordance with law, the application for compensation filed by the petitioners in the context of the documents filed by the petitioners to substantiate their demand and to decide such application as

expeditiously as possible, positively within one month from the date of communication of this order to the said Officer.

The Special Land Acquisition Officer, Cooch Behar, being respondent no. 1 herein, shall act on the communication of learned advocates and/or server copy of this order without insisting upon prior production of a certified copy thereof.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)