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jdt.

18.02.2022
jb.

W.P.A. 1414 of 2022
(Sri Nimai Saha & Ors. vs. State of West Bengal & Ors.)

Mr. Mahendra Prasad Gupta
Mr. D. K. Saila
Mr. Ayan Mitra
Mr. Chandan Mondal
Ms. Antara Panja
... For the Petitioners

Mr. Chandi Charan De
Mr. Somnath Mukherjee
... For the State

Affidavit-of-service filed by the petitioners is taken on record.

None appears on behalf of the 12th respondent despite service of notice.

Report filed by the State respondents is also taken on record.

Liberty is granted to the petitioners to implead the Special Land Acquisition Officer, Nadia as respondent No. 13 in this writ petition.

It is contended on behalf of the petitioners that the land in question belonging to them was acquired by the State Government for construction of road including widening the Right of Way of Bongaon-Chakdaha Road. The compensation granted to the petitioners in this regard was enhanced by the learned Land Acquisition Court/learned Additional District Judge, 2nd Court,

Nadia under Section 18 of the Land Acquisition Act, 1894. The petitioners complain that the said enhanced amount has not been paid to them till date. By an order of this Court passed on 13th September, 2021 in W.P.A. 13314 of 2021 filed by the first petitioner, this Court granted liberty to the said petitioner to file an application before the Authority stating his grievance and the Authority was directed to consider the application within a stipulated period of time after giving reasonable opportunity of hearing to all the interested parties, including the petitioner. The petitioners submitted such application before the Managing Director, West Bengal Highway Development Corporation Limited on 1st November, 2021, but strangely, instead of considering the said application the Authority has issued notice under Section 10(1) of the West Bengal Highways Act, 1964 to the petitioners alleging illegal encroachment on Government land. The petitioners have challenged the legality and validity of the said notice on the ground that the representation submitted by the petitioners has not yet been disposed of and the Authority, in the garb of notice under the Act of 1964 is trying to usurp the remaining portion of the property which was not acquired.

Learned counsel appearing for the State respondents candidly submits that the Managing Director, West Bengal Highway Development Corporation Limited is not the Authority to consider such representation of the petitioners and the petitioners may submit a representation afresh before the Special Land Acquisition Officer, being the 13th respondent herein.

Upon consideration of the submission made on behalf of the parties, the writ petition is disposed of with liberty to the petitioners to submit a fresh comprehensive representation before the 13th respondent annexing the order of the learned Land Acquisition Court and other relevant documents within a fortnight from date. The 13th respondent shall consider and dispose of the representation within a period of two months from the date of communication of this order, in terms of the judgment of the learned Land Acquisition Court and after affording reasonable opportunity of hearing to all the interested parties including the petitioner, in accordance with law.

Pending disposal of such representation the notice dated January 17, 2022 under Section 10(1) of the Act of 1964 is stayed.

With the above directions, W.P.A. 1414 of 2022 is disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)