

13
22.03.2022
Ct. No.10
b.das

WPA 1999 of 2021

(Via Video Conference)

Subhas Chandra Kar
Vs.
The State of W.B. & Ors.

Mr. Sanjib Bandyopadhyay
Mr. A. K. Singh
...for the petitioner.

Mr. Soumitra Bandyopadhyay
Mr. P. Batabyal
...for the State.

Report submitted by the State respondents is taken on record.

Liberty is granted to the petitioner to implead the Special Land Acquisition Officer, South 24 Parganas as respondent No.6 in the writ petition. The cause title of the writ petition be amended accordingly.

It is contended on behalf of the petitioner that the petitioner acquired title in respect of the plot in question by virtue of purchase by a registered deed of conveyance dated 25th January, 1977 and has been paying rent for the same all throughout.

Recently, the concerned authority refused to accept the rent from the petitioner and on enquiry, the petitioner learnt that the property was acquired vide L.A. Case No.II/3/77-78.

The petitioner submits that no notification under Section 4 of the Act of 1948 was issued to the petitioner and the petitioner was not aware of such acquisition proceeding which remained incomplete. In the meantime, the Act of 1948 lapsed and no further notice under Section 9 (3A) and (3B) of the Land Acquisition Act, 1894 was also served to the petitioner.

The petitioner prays for a direction upon the authority to accept the rents and also for setting aside the acquisition proceeding.

Placing reliance on the report submitted by the Special Land Acquisition Officer, South 24 Parganas, the learned counsel for the respondents submits that the acquisition proceeding was concluded in accordance with law and notice under Section 4 (1a) of the Act of 1948 was published on 1st December, 1983. The compensation for the acquired land has been deposited with the Special Land Acquisition Judge, Alipore Judges Court on 16th February, 2006.

Learned counsel for the petitioner submits that the petitioner has submitted a representation before the concerned authority on 10th December, 2020 ventilating his grievance, which is still pending.

The petitioner prays for a direction upon the authority to consider the representation at the earliest.

Upon considering the submissions made on behalf of the parties, the writ petition is disposed of directing the 6th

respondent herein to consider and dispose of the representation submitted by the petitioner dated 10th December, 2020 within a period of two months from the date of communication of this order on merits, after giving reasonable opportunity of hearing to all the interested parties including the petitioner, in accordance with law.

The decision taken by the authority shall be communicated to the petitioner within a week thereafter.

It is made clear that this Court has not gone into the merits of the case and the petitioner shall be at liberty to place his case at the time of hearing.

With the above observations and directions this writ petition being WPA 1999 of 2021 is disposed of.

However, there shall be no order as to costs.

Since no affidavit is invited, the allegations contained in the 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.)