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14.07.2022
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W.P.A. 1603 of 2022
(Samiran Goswami vs. State of West Bengal & Ors.)

Mr. Sougata Mitra
Ms. Ankita Dey
.... For the Petitioner

Mr. Susovan Sengupta
Mr. Subir Pal
.... For the State

The order passed by the Special Land Acquisition Officer, Purulia on 25th February, 2014 rejecting the claim of the petitioner is under challenge in the writ petition.

It is submitted on behalf of the petitioner that the order impugned is a short and cryptic order which was made without considering the submission made on behalf of the petitioner and without assigning any reason for rejection of his prayer.

Learned counsel for the respondents submits that the order impugned cannot be interfered with as it has been passed in consonance with the notification issued by the Government of West Bengal, Labour Department on 21st August, 2002.

Bare perusal of the order impugned dated 25th February, 2014 demonstrates that the inference arrived at by the Authority has been recorded in the order without assigning any reason for drawing such inference. The order only says that the petitioner's prayer has been rejected as the petitioner's case is not covered under Clause 3 of the notification. The order is silent as to what prompted the Authority to arrive at such a conclusion.

In view of the same, the order impugned is required to be set aside and the Authority be directed to reconsider the prayer of the petitioner in accordance with law. Accordingly the order passed by the Special Land Acquisition Officer vide Memo No. 231(18)/L.A. dated 25th February, 2014 is set aside/quashed.

The Special Land Acquisition Officer, being the third respondent herein, is directed to place the matter before the Screening Committee for reconsideration of the same upon giving reasonable opportunity of hearing to the petitioner, in accordance with law. The Screening Committee should pass a speaking order assigning reasons for arriving at the conclusion. The entire exercise should be completed within one month from the date of communication of this order.

W.P.A. 1603 of 2022 is thus 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.)