

23.02.2022
Court No. 19
Item no.17
CP

WPA 1695 of 2022

Saifur Rahaman & anr.
Vs.
The State of West Bengal & Ors.

Mr. S.P. Lahiri
Md. Habibur Rahman

..for the petitioners.

Mr. Rajarshi Basu
Mr. Biswanath Samanta

....for the State.

The writ petition is completely misconceived. The petitioners seek a mandamus upon the respondents to take the land of the petitioners for implementation of a water treatment project with the hope that if such land is taken, the petitioners may be considered for some employment at future date, under the land loser category.

There is nothing on record to show that the authorities had approached the petitioners for supply of the land. There is no notification before this court stating that there was a scheme stating that such persons who would give their lands would be benefited with a job offer at some later date.

The affidavit filed by the petitioners showing their willingness to donate the land cannot give rise

to a cause of action. The petitioner's prayer for a mandamus upon the authorities to accept their land, cannot be granted as no rights have been violated. It appears that the petitioners were informed under the Right to Information Act, that the lands of some persons have been considered for the project. It is the contention of the petitioners that the basis of consideration was incorrect. Viability of the lands of those persons could not be decided on 'first come first serve' basis.

The Executive Engineer, Raiganj Division, Public Health and Engineering Department, has filed a report from which it appears that the lands of some persons have been recommended by the Sabhapati, Raiganj Panchayat Samiti and the Junior Engineer/RWS had made an enquiry with regard to suitability of the lands. No final selection of the lands have been made. It does not appear from the report that the land of the petitioners was ever offered for consideration or even recommended. The report is kept on record. It also appears from the report that other persons whose lands have been taken into consideration had submitted their offer long ago and the recommendations were made sometime in November 2021. Records reveal that the petitioners submitted a letter at a belated stage, i.e., on December 29, 2021.

Thus, no interference is called for. In case the authorities do not find suitable lands on the basis of the recommendations received and the authorities would look for other lands, the prayer of the petitioners may be considered in accordance with law, along with all other persons. This order shall not be construed as decision on the right of the petitioners to offer their lands. The authorities shall be at liberty to take steps in accordance with law.

The writ petition is, thus, disposed of. There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)