

24.02.2022
Item No.12
Court No.6.
AB

Through Video Conference

**M.A.T. 115 of 2022
With
I A CAN 1 of 2022
I A CAN 2 of 2022**

Nirod Kumar Sarkar

Vs

The State of West Bengal & Others

Mr. Tanmay Chowdhury,
Ms. Ritoprita Ghosh ...for the Appellant.

Ms. Chama Mukherjee,
Mr. Hare Krishna Halder...for the State.

By consent of the parties, the appeal and the applications are taken up together for hearing.

In re : IA CAN 1 of 2022

This is an application for condonation of delay of 170 days in filing the appeal. Causes shown being sufficient, the delay is condoned.

IA CAN 1 of 2022 is, accordingly, disposed of.

In re : MAT 115 of 2022

The writ petitioner approached the learned Single Judge with the grievance that his land has been acquired for the project of widening the Bongaon-Chakdah Bridge Highway but he has received no compensation.

It was submitted by the respondent authorities before the learned Single Judge that the writ petitioner's land has not been touched. He has no reason to be aggrieved. The learned Judge took on record the written instructions of the State and dismissed the writ petition. Hence, this appeal.

We have glanced through the papers. It is not clear from the papers on record as to whether or not the writ petitioner's land is affected by the acquisition in question. We find a report of the Block Land & Land Reforms Officer, Chakdaha dated February 2, 2021, wherein he has stated, inter alia, that plot no.790 of Mouza-Balia, J.L. No.170 is one of the affected plots of land. In paragraph 3 of the writ petition, it is stated that the writ petitioner is the owner of L.R. Plot No.790/1756, L.R. Khatyan No.462, J. L. No.170 measuring about more or less 4 decimals. It is not possible on the basis of the papers to resolve the controversy as to whether or not, the writ petitioner's land has also been acquired for the aforesaid project. However, if the writ petitioner's land has been taken over, he is surely entitled to due compensation therefor.

Accordingly, we grant liberty to the writ petitioner/appellant to make a comprehensive representation to the respondent no.2 being the District Magistrate, Nadia, with all documents in

support of his claim within a period of two weeks from date. The respondent no.2 shall consider and dispose of such representation by a reasoned order in accordance with law within a period of 12 weeks from the date of receipt of a copy of the representation, after giving an opportunity of hearing to the writ petitioner/appellant and other interested parties. The order so passed shall be communicated to the appellant within a week from the date of the order.

Needless to say, if the respondent no.2 thinks it necessary, he shall have local inspection of the plot in question carried out upon notice to the writ petitioner and other interested parties. In the event, the respondent no.2 finds that the land of the writ petitioner/appellant has been acquired, he shall direct necessary steps to be taken so that the appellant receives due compensation for his land in accordance with law on an early date.

Since we have not called for affidavits, the allegations in the stay petition are deemed not to be admitted by the respondents.

MAT 115 of 2022 along with IA CAN 2 of 2022 is, accordingly, disposed of.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Kausik Chanda, J.)

(Arijit Banerjee, J.)