

WPA 2386 of 2022

Dhirendra Kumar Maity & Ors.
Vs.
State of W.B. & Ors.

Mr. Debasish Das ...for the petitioners.

Mr. Chandi Charan De
Mr. Anirban Sarkar ...for the State.

Affidavit of service filed on behalf of the petitioners is taken on record.

Heard learned counsels for the parties.

The grievance of the petitioners is that under a scheme for acquisition of land for the purpose of widening of Contai-Belda Major District road, the land of the petitioners was initially acquired by the State authorities vide Memo No.6 E-2/58 dated 13th February, 1948. Subsequently, a notice was issued to the owners of the land including the petitioners for relinquishment of 50 feet of land from both sides of the road and a sketch map was prepared to that effect by the 3rd respondent on 20th August, 1953.

Learned counsel for the petitioners submits that despite preparation of such sketch map, the portion of land to be relinquished by the State authorities has not been demarcated. The innocuous prayer of the petitioners is for

demarcation of the said portion of the land in terms of the sketch map dated 20th August, 1953.

Learned counsel appearing for the State respondents submits that the petitioners may submit a representation in this regard before the 3rd respondent, who shall consider the same within a stipulated time frame.

Having considered the submissions made on behalf of the parties, the writ petition is disposed of with liberty to the petitioners to submit a comprehensive representation ventilating their grievance before the 3rd respondent within a fortnight from date. The 3rd respondent shall consider and dispose of the said representation upon taking into consideration the sketch map prepared on 20th August, 1953 within three months from the date of communication of this order and after giving reasonable opportunity of hearing to all the interested parties including the petitioners, in accordance with law.

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

It is made clear that this Court has not gone into the merits of the case and the petitioners shall be at liberty to place their contention as made out in the writ petition before the authority at the time of hearing.

With the above observations and directions this writ petition being WPA 2386 of 2022 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.)