

27.06.2022
rc/ct.no.10
Item No.29

WPA No. 3361 of 2022

Mr. Amlan Jyoti Sengupta ...for the petitioner

Mr. Sirsanya Bandyopadhyay
Mr. Arka Nag ...for the State

Mr. Satyajit Talukdar
Mr. Abhishek Sarkar ...for the KMDA

Affidavit of service filed in Court today be taken on record.

On the prayer of the learned counsel appearing on behalf of the petitioner liberty is granted to the petitioner to amend the cause title of this writ petition by impleading the appropriate authority of the Kolkata Metropolitan Development Authority therein.

It is contended on behalf of the petitioner that the petitioner is an unwilling land loser whose land was acquired by the State-respondents without due process of law. The petitioner complains that the land in question has been handed over to the Kolkata Metropolitan Development Authority (in short, "KMDA") who has taken possession of the land in 2007. Several representations submitted by the petitioner before the authority for restoration of the land or in the alternative, payment of compensation have not been heeded to. The petitioner seeks liberty to submit a comprehensive representation before the authority and prays for a

direction upon the authority to consider the same at the earliest.

It is submitted by the learned counsel appearing on behalf of the respondents that the land in question was acquired and handed over to the requiring body long back and the question of return of land to the petitioner on this date does not arise.

Upon consideration of the submissions made by the learned counsels appearing on behalf of the parties and the material on record, the writ petition is disposed of with liberty to the petitioner to submit a comprehensive representation ventilating his grievance before the respondent no. 3 within fortnight from date. The 3rd respondent is directed to consider and dispose of the representation within two months from the date of receipt thereof after affording reasonable opportunity of hearing to all the affected parties including the petitioner, in accordance with law.

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

It is made clear that this Court has not gone into the merits of this case and the petitioner shall be at liberty to place his contention along with all relevant documents before the authority at the time of hearing.

Accordingly, this writ petition is disposed of.

There shall be, however, 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 furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)