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01.07.2022
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W.P.A. 4479 of 2017
(Sri Sambhu Mondal vs. State of West Bengal & Ors.)

Mr. Pappu Adhikari
Mr. Chinmay Kr. Maiti
.... For the Petitioner

Mr. C. C. De
Mr. Anirban Sarkar
.... For the State

Report submitted on behalf of the State respondents is taken on record.

It is submitted on behalf of the petitioner that pursuant to an order passed by a co-ordinate Bench of this Court on 16th June, 2015 in W.P. 10696(W) of 2015, the Rehabilitation Advisory Committee and Additional District Magistrate, Haldia observed that a rehabilitation plot was allotted in favour of the petitioner in a meeting of the Committee held on 19th June, 1998 and 25th June, 1998 and liberty was granted to the petitioner to file an application before the Haldia Development Authority for allotment of such rehabilitation plot. The Haldia Development Authority was also requested to take necessary steps accordingly. But strangely by a subsequent order passed by the

Committee on 1st October, 2015 the petitioner's prayer was rejected on the ground that the petitioner was a minor at the time of acquisition of the property. The said order is under challenge in the writ petition.

It appears from the order passed by the Committee on 8th July, 2015 that rehabilitation plot measuring an area of 0.04 acres was recommended in favour of the petitioner after considering the case of the petitioner in its entirety. Besides assigning a reason as to the minority of the petitioner at the relevant time which is not tenable in law, the Committee has not referred to any law/notification which deprives the petitioner from being allotted such rehabilitation land. The order passed by the Committee on 1st October, 2015 not being a speaking or reasoned order, is liable to be set aside.

In view of the same, the order passed by the Chairman, Rehabilitation Advisory Committee and Additional District Magistrate, Haldia on 1st October, 2015 is set aside/quashed.

The third and fourth respondents are directed to reconsider the prayer of the petitioner in the light of the observation made by them in the order dated 8th July, 2015 and take a reasoned decision within one month from the date of communication of this order after affording reasonable opportunity of hearing to the petitioner, in accordance with law. In the event the

petitioner is found entitled to the rehabilitation plot, the said plot should be handed over to him within one month from the date of the order passed by the Committee.

W.P.A. 4479 of 2017 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.)