

16
01.03.2022
Ct. No.10
b.das

W.P.A. 5443 of 2021

(Via Video Conference)

Nirmal Uthasini
Vs.
State of W. B. & Ors.

Mr. Satyajit Mondal
Mr. Ratul Ghosh
Mr. A. N. Sen ...for the petitioner.

Mr. P. P. Roy
Mr. Ayan Banerjee ...for the State.

Sk. Rejaul Alam ...for the respondent No.7.

Mr. Shouvik Naskar
...for the respondent Nos.9 to 11.

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

None appears on behalf of the 8th respondent despite service.

Liberty is granted to the petitioner to implead the Chairman, Rehabilitation Advisory Committee, Haldia Development Authority as respondent No.12 in the writ petition. The cause title of the writ petition be amended accordingly.

It is contended on behalf of the petitioner that the father of the petitioner Ram Pada Uthasini, since deceased, was the owner of the plot in question which was acquired

by the State authorities and compensation paid with regard to the same. The said plot was handed over to the Haldia Development Authority for utilization.

The petitioner applied before the authority in terms of Notification No.1208-LA (II) issued on 20th April, 1993 for allotment of homestead land in his favour. Offer of allotment was issued by the Chief Executive Officer, Haldia Development Authority to the predecessor-in-interest of the petitioner and one Sukumar Uthasini on 4th June, 2008 requesting them to appear before the authority and take possession of the allotted rehabilitation plot upon depositing the ad hoc consideration money.

Learned counsel for the petitioner submits that such consideration money has been deposited with the UCO Bank by the petitioner on 21st June, 2008.

The petitioner submits that Sukumar Uthasini being the 8th respondent herein is not a co-sharer in respect of the plot in question and is not entitled to any share in the plot allotted by the authority.

The petitioner submitted a representation in this regard before the concerned authority on 28th November, 2016 which is yet to be disposed of. The petitioner prays for a direction upon the authority to consider the representation at the earliest.

Having considered the submissions made on behalf of the parties and material on record, the writ petition is disposed of directing the 12th respondent to consider and

dispose of the representation submitted by the petitioner dated 28th November, 2016 within a period of one month from the date of communication of this order after affording reasonable opportunity of hearing to all the interested parties including the petitioner and the private respondents, in accordance with law.

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

With the above observations and directions this writ petition being WPA 5443 of 2021 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.)