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20-04-2022
debajyoti
(Ct. no.06)

FMA 446 of 2022
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IA NO:CAN/1//2022

Sk. Liyakat Hossain & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Panchanan Hajra
... For the Appellants.
Mr. Pinaki Dhole,
Mr. Ram Chandra Guchhait
... For the State.

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

The writ petitioners are before us since their writ petition was dismissed by the learned Single Judge by the impugned order dated July 07, 2021 on the ground of deliberate mis-statements and suppression of material facts having been made in the writ petition.

The case of the writ petitioners is that their land which was requisitioned under the 1948 Act, should be de-requisitioned and rent compensation and damages, if any, should be paid to them. To that effect, they have made a representation dated August 19, 2019, to the Land Acquisition Collector, Purba Bardhaman, being the respondent no.3 herein. The grievance is that such representation has not yet been considered by the respondent no.3.

We have heard learned counsel for the parties. We are of the view that the mis-statements made in the writ petition or the omission to state certain things, are not material enough to warrant dismissal of the writ petition on that ground. That might have

been a *bona fide* mistake on the part of the writ petitioners.

We dispose of the appeal and the connected application by directing the respondent no.3 (Land Acquisition Collector, Purba Bardhaman) to take a reasoned decision on the representation dated August 19, 2019 made by the writ petitioners (page 14 of the application for appropriate orders), in accordance with law within a period of eight weeks from the date of receipt of a copy of this order along with a copy of the said representation after giving an opportunity of hearing to any one of the writ petitioners or the authorized representative of the writ petitioners. If the respondent no.3 is of the view that there is merit in the claim of the writ petitioners, appropriate consequential orders will be passed by him in accordance with law. The decision arrived at by the respondent no.3 shall be communicated to the writ petitioners within a week from the date of the order.

The order under appeal is set aside. We make it clear that we have not gone into the merits of the writ petitioners' claim. The respondent no.3 shall take an informed decision in the matter in accordance with law.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties on compliance of necessary formalities.

(Kausik Chanda, J.)

(Arijit Banerjee, J.)