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jdt.

24.11.2022
jb.

W.P.A. 5927 of 2022
(Syed Shamsul Arefin vs. State of West Bengal & Ors.)

Syed Shamsul Arefin
.... Petitioner in person

Mr. Soumitra Bandyopadhyay
Mr. Ram Chandra Guchhait
.... For the State

Supplementary affidavit filed by the petitioner is taken on record.

The petitioner claims to be one of the legal heirs of the original owner of the plot in question Kazi Ali Akhter, since deceased and submits that 14 decimals of the plot owned by the original owner was acquired by the State respondents, but compensation was paid to one Kazi Ali Akbar who claims to be the son of Kazi Ali Akhter. The petitioner submits that Kazi Ali Akhter had no son and left behind his sister and five daughters, the petitioner being the son of one of the daughters. Pursuant to an order of this Court passed on 22nd December, 2021 in W.P.A. 20111 of 2015, the petitioner submitted a representation before the concerned authority praying for compensation as legal heir of the

original owner. The Special Land Acquisition Officer, Purba Bardhaman dealt with the representation upon hearing both the parties passed an order on 21st January, 2022 requesting the Executive Engineer, National Highway Division No.-XII P.W. (Roads) Directorate, Tilpara, Suri, Birbhum to examine the matter thoroughly and take needful action as per law to redress the grievance of the writ petitioner.

It is submitted on behalf of the petitioner that no further step has been taken by the authority in granting compensation to the petitioner since then.

It is submitted on behalf of the State respondents that the concerned authority be directed to take necessary steps in terms of the order passed on 21st January, 2022 by the Special Land Acquisition Officer, Purba Bardhaman and conclude the proceeding within a stipulated time frame, in accordance with law.

In view of the above, this Court is inclined to hold that since the petitioner claims compensation in respect of acquisition of 14 decimals of land in the plot in question as legal heir of the original owner Kazi Ali Akhter and also as his prayer is still pending before the authority for consideration, the concerned authority should be directed to deal with the same and come to a reasonable conclusion within a stipulated time frame.

Accordingly, the writ petition is disposed of directing the 2nd respondent to act in terms of the order

passed by the Special Land Acquisition Officer, Purba Bardhaman on 21st January, 2022 and take necessary steps for redressal of the grievance of the writ petitioner upon affording reasonable opportunity of hearing to all the interested persons including the petitioner, in accordance with law, within one month from the date of communication of this order.

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

The writ petition 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.)