

7  
04.07.2022  
ssi

Ct 39

**WPA 5010 of 2008**

Abdul Hakim Paik  
-vs-  
State of West Bengal & ors.

Mr. Mahananda Ray  
...for the petitioner  
Mr. Chandi Charan De, Ld. AGP  
Mr. Anirban Sarkar  
..for the State

This is an application challenging the non-consideration of a representation of the petitioner dated 30.04.2007 by the concerned respondents.

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

Learned counsel appearing on behalf of the petitioner submits as follows. A notice was given under Section 10 (2) of the West Bengal Estate Acquisition Act upon the predecessor of the present petitioner who was owing piece of land. The matter was heard in 1966. By an order dated 26.09.1967, the case was vacated with the observations that the J.L.R.O. was to recognize the tenancy right and realize rent, both arrears and current. Accordingly, the petitioner's predecessor filed a title suit for correction of name in the records. The State filed an application that they would not contest the suit. Accordingly, an order was passed in 1969 in favour of the petitioner's predecessor for effecting the necessary correction. In 2006, two plots of land belonging to

the petitioner were included in the Gazette Notification for acquisition. But, the other five nearby plots of land belonging to the petitioner were not brought within the ambit of the Gazette Notification. Accordingly, the petitioner made a representation before the respondent authorities. But, the same was not properly considered.

Learned senior counsel appearing on behalf of the State submits as follows. It appears from the representation given by the petitioner that the main prayer was for correction of name. First, the same had apparently been already done. Secondly, for correction of name, a writ application would not lie before this Court. However, if the petitioner actually wishes to have the other plots brought within the ambit of acquired land, then the petitioner shall be at liberty to make an appropriate representation before the respondent no.3.

I have heard the submissions of the learned counsels appearing on behalf of the petitioner and the State and have perused the writ petition.

It appears that the representation dated 30.04.2007 made on behalf of the petitioner dealt more with correction of records. It is not clear as to whether the petitioner clearly applied to have the other plots of land included in the total piece of land to be acquired by the State.

However, if the petitioner wishes to make a representation before the respondent no.3 for bringing the other plots of land within the ambit of acquisition, the

petitioner shall be at liberty to make an appropriate representation afresh within a month from this date and the respondent no.3 shall consider the same in accordance with law within three months from the date of such application.

With these observations, the writ petition is disposed of.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

**(Jay Sengupta, J.)**