

16.02.2022
rc/ct.no.10
Item No.04

WPA No. 9681 of 2021
Jafir Md. Khan @ Jafir Mahammad Khan & Ors.
Versus
The State of West Bengal & Ors.
(VIA VIDEO CONFERENCE)

Mrs. Rita Patra ..for the petitioners

Mr. Soumitra Bandopadhyay
Mr. Subasish Bandopadhyay ...for the State

The petitioners submit that the plot of land owned and possessed by them was acquired by the State-respondents in LA Case No. 4/2016-17 but no notice of acquisition or award was served upon the petitioners. The petitioners submitted a representation before the competent authority praying for grant of compensation in their favour. Pursuant to such representation, the authority issued notice of hearing to the petitioners on June 14, 2019. The petitioners complain that no further hearing has been held and the petitioners are in dark regarding the fate of the representation.

Placing reliance on the report submitted by the Special Land Acquisition Officer, Birbhum, learned counsel appearing on behalf of the State-respondents submits that the land in question was acquired pursuant to notification issued under Section 3A of the National Highways Act, 1956 published in the Gazette of India on February 21, 2017 and possession of the land was taken on March 16,

2018. Declaration of award along with grant of compensation has been made in terms of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013.

It appears that the representation submitted by the petitioners before the authority is still pending and it is not in dispute that no further step has been taken by the authority after issuance of notice of hearing on June 14, 2019.

In view of the same this Court is of the view that the authority be directed to conclude the proceeding in disposing of the representation pending before it within a stipulated period.

Accordingly, the writ petition is disposed of directing the respondent no. 3 to consider the representation pending before him and conclude the hearing within a period of one month from the date of communication of this order after giving reasonable opportunity of hearing to all the affected parties including the petitioners, in accordance with law. The decision taken by the authority shall be communicated to the petitioners within a week thereafter.

With the above observations and directions this writ petition being WPA No. 9681 of 2021 is disposed of.

There shall be, however, 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 furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)