

**WPA 9298 of 2022**

Gopal Man & ors.  
Vs.  
The State of West Bengal & Ors.

Mr. Panchanan Hajra,  
...for the petitioners.  
Mr. Sounak Bhattacharyya,  
...for the respondent nos. 9 to 12.  
Mr. Soumitra Bandyopadhyay,  
Mr. Ram Chandra Guchait,  
...for the State.

Affidavit of service filed by the petitioners is taken on record.

Heard learned counsels for the parties.

The land of the petitioners was initially acquired by virtue of a notice under Section 3(1) of the West Bengal Land (Requisition and Acquisition) Act, 1948 for the purpose of construction of Mundeswari Right embankment. The above scheme was subsequently abandoned for which the land in question was de-requisitioned and released in favour of the petitioners by an order passed on 19<sup>th</sup> February, 2020.

The petitioners complain that the private respondents have encroached upon the said land during the period between requisition and de-requisition of the land and they are still in possession of the land in question for which the petitioners have not been able to take physical possession of the land. The petitioners submitted a representation before the concerned authority on 22<sup>nd</sup>

November, 2021 which is yet to be considered. The petitioners pray for a direction upon the authority to consider the representation at the earliest.

It is trite law that it is incumbent upon the State respondents to deliver possession of the land in question to the petitioners free from all encumbrances, upon de-requisition of the same.

In view of the above, the writ petition is disposed of directing the 6<sup>th</sup> respondent to consider and dispose of the representation submitted by the petitioners dated 22<sup>nd</sup> November, 2021 within two months from the date of communication of this order after affording reasonable opportunity of hearing to all the interested persons including the petitioners and the private respondents, in accordance with law.

In the event the prayer of the petitioners is substantiated, necessary consequential steps shall be taken by the authority within a month thereafter.

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

With the above directions, WPA 9298 of 2022 is disposed of. There shall however, 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 furnished to the parties upon compliance of necessary formalities.

**(Suvra Ghosh, J.)**