

28.09.2022
rc/ct.no.10
Item No.60

WPA No. 9785 of 2022

Mr. Supriya Chattapadhyay
Mr. Sudip Kumar Maiti ...for the petitioner

Mrs. Rini Bhattacharjee ...for the respondent no.5

The State is not presented.

Heard learned counsels appearing on behalf of the parties.

The petitioner claims to be a recorded owner of the plot in question which was acquired for the purpose of construction of Eastern Dedicated Freight Corridor in the region and a compensation was paid to the petitioner under the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as "the Act of 2013").

It is submitted on behalf of the petitioner that the only source of livelihood of the petitioner has been taken away by the authority in acquiring the plot in question and in terms of Section 31(2)(h) of the Act of 2013, the petitioner is entitled to employment mandatorily.

The petitioner seeks liberty to submit a comprehensive representation before the concerned authority in this regard and prays for direction upon the authority to consider the representation within a stipulated time frame.

Upon consideration of the submission made on behalf of the parties the writ petition is disposed of with liberty to the petitioner to submit a comprehensive representation ventilating his grievance before the 3rd respondent within 7 days from date.

The 3rd respondent is directed to consider and dispose of the representation within two months from the date of receipt thereof after affording reasonable opportunity of hearing to the petitioner, in accordance with law.

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

It is made clear that I have not gone into the merits of this case and the petitioner shall be at liberty to place his contention before the authority at the time of hearing.

With the above observations and directions this writ petition 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)