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21.09.2022
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 12927 of 2022

**Md. Barjahan Ali & Ors.
-versus
The State of West Bengal & Ors.**

**Mr. Uday Sankar Chattopadhyay,
Mr. Santanu Maji,
Ms. Snigdha Saha.
...For the Petitioners.**

Affidavit-of-service filed in Court today is taken on record.

None appears on behalf of the Nalhati Municipality in spite of service.

The petitioners allege that the Nalhati Municipality has utilized a portion of their land for the purpose of construction of road.

The description of the land is Mouza-Paikpara, J.L. NO.-57, Khatian NO.-6706, Dag No.-3763, area 32 decimals and in Dag No.-3776 area is 22 decimals.

The petitioners allege that no compensation has been paid for utilizing the private land of the petitioners.

The petitioners claim to have made representation in the year 2015 followed by reminder in

the year 2021 and allege that the same has not been taken up for consideration till date.

In the absence of the Municipality it is not possible for the Court to decide the issue conclusively.

In view of the above, the Chairman of the Nalhati Municipality is directed to consider the representation which was filed by the petitioners on 9th June, 2021 in accordance with law after giving a reasonable opportunity of hearing to the petitioners and any other necessary parties.

The Chairman shall pass a reasoned order and communicate the same to the petitioners immediately thereafter.

A decision shall be taken in the matter at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order.

The petitioners are directed to forward a copy of the representation dated 9th June, 2021 to the aforesaid respondent at the time of communicating the order of the Court.

It is made clear that this Court has not entered into the merits of the claim made by the petitioners and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representation of the petitioners.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)