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15.02.2022
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W.P.A. 15118 of 2017
(Soma Samanta vs. State of West Bengal & Ors.)

Mr. Lalratan Mondal
Mr. Avik Kr. Sadhu
Mr. Dilip Kr. Sadhu
.... For the Petitioner

Mr. L. M. Mahata
Mr. P. B. Mahata
.... For the State

It is contended on behalf of the petitioner that plot No. 169 measuring about 0.28 acres in Mouza Ruisanda, J. L. No. 211 under Police Station Kharagpur (Local), District Paschim Medinipur owned by the petitioner was acquired by the State respondents and possession was taken over from the petitioner. Despite utilisation of the plot in question, no compensation was paid to the petitioner by the State Authorities. The petitioner prays for a direction upon the Authority to determine and pay compensation to the petitioner with regard to the plot in question in terms of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

In the written instructions submitted by the State respondents it is recorded that in terms of L.A. case No. 11/07-08 for acquisition of the plot in question, award was declared in favour of 15 co-sharers, but the said co-sharers including the petitioner were unable

to prove their possession over the acquired land. It is submitted on behalf of the State respondents that the petitioner is at liberty to receive compensation determined in her favour by submitting an application before the Collector subject to production of evidence in support of her possession over the acquired area.

The petitioner seeks liberty to submit a representation before the Authority in this regard.

Upon consideration of the submissions made on behalf of the parties, this Court is of the view that the petitioner should be granted liberty to submit a comprehensive representation before the Authority expressing her claims and annexing relevant documents thereto and such representation ought to be disposed of by the Authority within a stipulated time frame. Accordingly, the writ petition is disposed of with liberty to the petitioner to submit such representation before the 2nd respondent within a week from date. The 2nd respondent should consider and dispose of the said representation within a month from the date of receipt thereof after granting reasonable opportunity of hearing to all the interested parties including the petitioner, in accordance with law. The decision taken by the Authority shall be communicated to the petitioner within a week thereafter.

With such observations and directions, W.P.A. 15118 of 2017 is disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)