

29
04.01.2022
Ct. No.10
b.das

W.P.A. 17579 of 2021

(Via Video Conference)

Lalmohan Mahanty & Ors.
Vs.
State of W.B. & Ors.

Mr. Falguni Bandyopadhyay
...for the petitioner.

Mr. Soumitra Bandyopadhyay
Mr. R. C. Guchhait ...for the State.

Heard learned counsels for the parties.

It is contended on behalf of the petitioners that the petitioners and the private respondents are co-sharers in respect of the property in Plot No.2603 measuring about 5.19 acres. A portion of the said land measuring about 0.36 acres was acquired by the concerned authority vide LA Case No.44 of 2015/NH-32 for the purpose of extension of National Highway 32, but no notice was served upon all the recorded owners of the property.

In reply to an information sought under the Right to Information Act, 2005, the petitioners were informed that the compensation amount and list was prepared as per record of rights and demarcation report of the Block Land and Land Reforms Officer, Balarampur. The petitioners

submit that the names of the petitioners are not included in the list of persons entitled to receive compensation despite the petitioners being co-sharers in respect of the property.

The petitioners pray for a direction on the concerned authority to disburse compensation in terms of the LR Record of Rights.

Learned counsel for the State respondents submits that the petitioners may submit a representation in this regard before the 5th respondent which shall be disposed of in a short time.

Upon consideration of the submissions made on behalf of the parties and material on record, the writ petition is disposed of with liberty to the petitioners to submit a comprehensive representation before the 5th respondent stating all facts and annexing all relevant documents thereto within a week from date. The 5th respondent shall consider and dispose of such representation within a period of two months from the date of communication of this order, after affording reasonable opportunity of hearing to all the interested parties including the petitioners, in accordance with law.

Pending disposal of such representation, no compensation shall be disbursed to any of the parties with regard to the plot in question by the concerned authority.

With the above observations and directions this writ petition WPA 17579 of 2021 is disposed of.

However, there shall 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 supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)