

March 1, 2022

ARDR

(13)

WPA 15698 of 2019

Sherfan Sk & ors.

Vs.

The State of West Bengal & Ors.

Mr. Rafiqul Islam,
Ms. Manika Sarkar,

...for the petitioners.

Mr. Chandi Charan De,
Ms. Chandana Ghosh,

...for the State.

It is contended on behalf of the petitioners that the land of the petitioners, which was their only source of livelihood, was acquired by the State respondents for construction of embankment and the structures in the said land were demolished. The petitioners submitted several representations claiming compensation in lieu of acquisition of the land and without considering the said representations, the respondents, vide notification dated 25th April, 2002, issued a direction for withdrawal of the acquisition in respect of the lands which were already utilised. Though the petitioners were left landless, no compensation was paid to them by the authority. The petitioners submitted a representation before the authority claiming compensation on 8th July, 2019 which is yet to be disposed of. The petitioners pray for a direction upon the authority to consider the representation at the earliest.

Placing reliance on the affidavit submitted by the State respondents, learned counsel appearing for the State

respondents submits that compensation was assessed by the authorities and award was prepared to the tune of Rs.15,30,683/-. The petitioners did not approach the authority with documents in support of their title in respect of the property and the actual area of plot owned by them for which the authority was not in a position to determine the compensation. Learned counsel submits that the authority may be directed to consider the representation pending before the authority.

In view of the same, the writ petition is disposed of directing the second respondent to consider and dispose of the representation submitted by the petitioners dated 8th July, 2019 within a period of two months from the date of communication of this order after giving reasonable opportunity of hearing to all the interested parties including the petitioners, in accordance with law.

With such directions, WPA 15698 of 2019 is disposed of. However, there shall be no order as to costs.

Since no affidavits are invited, the allegations contained in this writ 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.)