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07.02.2022
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W.P.A. 18258 of 2021
(Bhudi Halder & Ors. vs. State of West Bengal & Ors.)

Mr. Badruddoza Mallick
Mr. Mukteswar Maity
Mrs. Shikha P. Chowdhury
... For the Petitioners

Mr. Chandi Charan De
Ms. Reshmi Rehman
... For the State

Mr. Satyajit Talukder
Mr. Abhishek Sarkar
... For the KMDA

Liberty is granted to the petitioners to implead the Special Secretary, Micro, Small and Medium Enterprises of West Bengal, Government of West Bengal as added respondent No. 9 in the writ petition. The cause-title of the writ petition be amended accordingly.

Status report submitted by the Superintending Engineer, Circle-IV, Housing Sector, KMDA is taken on record.

It is contended on behalf of the petitioners that the petitioners inherited

the land in question from their predecessors-in-interest and were occupying the same by recording their names in the L.R. record of rights. On November 3, 2020, the petitioners found some unknown persons filling up the land with leather scrap and on enquiry, learnt that the said activity was being carried out at the instance of the KMDA for the purpose of infrastructural activities within the Calcutta Leather Complex. By notice dated 5th January, 2021 the petitioners were requested to submit valid authenticated documents relating to their claim with regard to the plot in question as according to the Authority, the land in question comprising 2.61 acres was already transferred to the Department of MSME & T, Government of West Bengal as integral part of Calcutta Leather Complex at Bantala, under Bhangar I Block. Challenging the said notice, the petitioners have come up before this Court in the present writ petition.

Speaking in tune with the report submitted by the KMDA, learned counsel for the respondents has submitted that the plot in question is vested land and administrative approval was granted in connection with the

portion of the plot comprising an area of 1.0 acre for construction of sanitary land fill by the MSME & T, Government of West Bengal. Learned counsel further submits that due to objection raised by the petitioners in implementation of project, the notice impugned dated 5th January, 2021 was issued upon the petitioners asking them to submit documents in support of their claim. Learned counsel also adds that KMDA is neither the acquiring body nor the requiring body, but is only the implementing authority for different components relating to construction of infrastructure in the Calcutta Leather Complex.

Learned counsel for the State respondents submits that the petitioners may submit a representation before the Authority in this regard which may be disposed of within a stipulated time frame.

In view of the above, the writ petition is disposed of with liberty to the petitioners to submit a comprehensive representation ventilating the entire facts along with all relevant documents before the 9th respondent within 7 days from date. The 9th

respondent shall consider and dispose of the said representation within two months from the date of receipt thereof, after granting reasonable opportunity of hearing to all the interested parties including the petitioners, in accordance with law. The decision taken by the Authority shall be communicated to the petitioners within a week thereafter.

With the aforesaid observations and directions, W.P.A. 18258 of 2021 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.)