

WPA 18570 of 2021

Naba Gopal Chattaraj & ors.
Vs.
The State of West Bengal & ors.

Mr. Indranath Mitra,
Mr. Subhankar Das,

...for the petitioners.

Mr. Chandi Charan De,
Mr. Soumitra Bandyopadhyay,
Mr. Somnath Mukherjee,

...for the State.

The contention of the petitioners is that they acquired title in respect of the property in question by way of inheritance from their predecessor-in-interest Shib Krishan Chattaraj, since deceased who, in turn, inherited the property from his predecessor-in-interest. A notification was published by the Land and Land Revenue Department on December 14, 1968 for acquisition of the said land and declaration under Section 6 of the Land Acquisition Act, 1894 was published on 7th December, 1969. Notification dated December 14, 1968 was challenged by Lakshmikanta Chatterjee and others before this Court and by an order dated 4th June, 1976, the said notification was quashed by a coordinate Bench of this Court.

It is submitted on behalf of the petitioners that no further notification for acquisition of the plot was issued by the State authorities and the name of the petitioners' predecessor is still recorded in the L. R. record of rights. The petitioners complain that the State authorities have

surrounded the plot in question by a fence, as against which the petitioners submitted a representation before the authority requesting them to remove the said fencing from the plot in question. The said representation submitted by the petitioners on 7th December, 2020 is yet to be disposed of. The petitioners pray for a direction upon the authority to consider the representation at the earliest.

Having considered the submissions made by the parties and material on record, the writ petition is disposed of directing the 5th respondent to consider and dispose of the representation submitted by the petitioners on 7th December, 2020 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.

The decision taken by the authority shall be communicated to the petitioners within a week thereof.

With such observations and directions, WPA 18570 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.)