

WPA 18720 of 2021

Ram Prasad Kumar & ors.
Vs.
The State of West Bengal & ors.

Mr. Lal Ratan Mondal,
Mr. Dilip Kumar Sadhu,

...for the petitioners.

Mr. Susovan Sengupta,
Mr. Subir Pal,

...for the State.

Supplementary affidavit as well as affidavit of service
filed by the petitioners are taken on record.

It is submitted on behalf of the petitioners that the petitioners became the joint owners of the property in question by way of inheritance from their predecessor-in-interest and they are in exclusive possession of the said property. The petitioner nos. 1 to 3 also acquired title in respect of 45 decimals of land out of 61 decimals by virtue of purchase from the erstwhile owners vide registered deed of sale. Notice under Section 4 of the Land Acquisition Act, 1894 was issued by the State authorities upon the petitioners for acquisition of 3.1 hectares of land including the land of the petitioners and despite acquisition of the said land, no compensation was paid to the petitioners. Pursuant to an order passed by a coordinate Bench of this Court in a writ petition being W.P. 10241 (W) of 2019 on 20th November, 2019, the Special Land Acquisition Officer, Purulia considered the representation submitted by the

petitioners in this regard and rejected the prayer of the petitioners for grant of compensation on the sole ground that the petitioners failed to submit relevant documents in support of their title and heirship with regard to the property before the concerned authority.

Learned counsel for the State respondents submits that the property in question has already been acquired and compensation declared.

It transpires on perusal of the order impugned dated 3rd March, 2020, that the petitioners' claim was rejected on failure of the petitioners to produce the relevant documents in support of their claim before the authority.

Learned counsel for the petitioners prays for reconsideration of their prayer by the authority subject to depositing all relevant documents before the authority.

In view of the submissions made on behalf of the parties, the order impugned passed by the Special Land Acquisition Officer, Purulia on 3rd March, 2020 is hereby set aside.

Special Land Acquisition Officer, Purulia, being the 3rd respondent herein, is directed to reconsider the prayer of the petitioners after giving reasonable opportunity of hearing to all the interested parties including the petitioners, in accordance with law. It is expected that such exercise shall be completed within a period of two months from the date of communication of this order. The petitioners are directed to submit all relevant documents

before the 3rd respondent within a period of seven days from date.

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

With such observations and directions, WPA 18720 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.)