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jdt.

22.06.2022
jb.

W.P.A. 18738 of 2021
(Mahadeb Sahoo vs. State of West Bengal & Ors.)

Mr. Supratik Shyamal
Mr. Dilip Kr. Shyamal
.... For the Petitioner

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

Ms. Manika Roy
.... For the NHAI

At the outset it is submitted on behalf of the National Highways Authority of India that the Authority has no role to play in the matter as they have neither acquired nor are maintaining the bridge in question.

The writ petitioner claims to have occupied 3 decimals of land in L.R. Dag No. 604 Khatian No. 4078 Mouza-Narayanpur, District 24 Parganas (South) and used to run a business therein. For the purpose of construction of high level bridge on the river Hatania-Doania, the land was acquired by the Authority who took possession of the same and completed construction of the bridge. The petitioner was informed that the Authority had decided to pay compensation for rehabilitation of the petitioner and an amount of

Rs.15,23,00,000/- was sanctioned for the purpose. The petitioner submitted a representation before the Authority in this regard which was rejected by an order dated 27th September, 2021 primarily on the ground that in a writ petition filed on similar issue, it was held by this Court that the petitioner had no legally enforceable right to maintain the petition and was not entitled to any relief or compensation whatsoever.

It is submitted on behalf of the petitioner that the said order was carried in appeal and the Hon'ble Division Bench remanded the matter back to the Hon'ble Single Bench for fresh consideration.

In view of such changed circumstance, this Court is of the view that as the concerned Authority rejected the representation submitted by the petitioner solely in terms of the order passed by this Court in the writ petition, the order impugned dated 27th September, 2021 is required to be set aside and the Authority should be directed to reconsider the representation of the petitioner at the earliest.

In view of the above, the order impugned dated 27th September, 2021 is hereby set aside.

The writ petition is disposed of directing the Special Land Acquisition Officer, South 24 Parganas being the 3rd respondent herein, to reconsider the representation submitted by the petitioner before the Authority after giving reasonable opportunity of hearing to the petitioner, in accordance with law, within one month from the date of communication of this order.

The petitioner shall be at liberty to place all relevant documents before the Authority at the time of hearing, for consideration.

The decision taken by the Authority shall be communicated to the petitioner within a week thereof.

W.P.A. 18738 of 2021 is thus 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.)