

17
04.02.2022
Ct. No.10
b.das

W.P.A. 18831 of 2021

(Via Video Conference)

Kalyan Chatterjee
Vs.
State of W.B. & Ors.

Mr. Subrata Ghosh ...for the petitioner.

Affidavit of service filed by the petitioner be taken on record.

None appears for the respondents despite service.

Mr. Chandi Charan De, who usually appears for the State and is present in Court, is requested to represent the State in the matter. His appointment be regularized by the office of the Legal Remembrancer.

The petitioner should serve copy of the writ petition alongwith all annexures thereto on Mr. De in course of this day.

The contention of the petitioner is that he is the owner of 16 decimals of land being plot No.5642, Khatian No.7019 in Mouza Kagram, J.L. No.104, P.S. Salar, District-Murshidabad and the entire land was acquired by the State respondents by RA Case No.32 of 1976-77.

Learned counsel for the petitioner submits that no compensation has been granted to the petitioner by the

authority in this regard. Though the entire 16 decimals of land was acquired, the State Government has taken physical possession of 5.67 decimals, which has been utilized and the remaining 10.33 decimals of land are still in possession of the petitioner.

Learned counsel for the petitioner takes this Court to a letter dated 8th February, 2021 issued by the Special Land Acquisition Officer, Murshidabad, which indicates that though the total area of 0.16 acres was acquired in RA Case No.32/76-77 for construction of Mougram to Kagram road, no document was available in the records regarding payment of compensation for the said acquisition.

The petitioner prays for a direction upon the authority to pay adequate compensation to him in respect of the 5.67 decimals of land utilized by the authority and to derequisition the remaining portion of the land in his favour. It is submitted on behalf of the State respondents that the petitioner be granted liberty to submit a comprehensive representation before the concerned authority, who shall deal with the said representation on merits within a stipulated time frame.

Having considered the submissions made on behalf of the parties, the writ petition is disposed of with liberty to the petitioner to submit a comprehensive representation stating the entire facts and annexing relevant documents with regard to the same before the 4th respondent within a fortnight from date. The 4th respondent shall consider and

dispose of the said representation within a period of two months from the date of receipt thereof after giving reasonable opportunity of hearing to all the interested parties including the petitioner, in accordance with law.

The decision taken by the authority shall be communicated to the petitioner within a week thereafter.

With the above directions, the writ petition being W.P.A. 18831 of 2021 is thus 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.)