

WPA 19556 of 2022

Shakila Gazi @ Gazi Shakila & Anr.
Vs.
The State of W. B. & Ors.

Mr. Prosenjit Mukherjee
Mr. S. Chakraborty ...for the petitioners.

Mr. Chandi Charan De
Mr. S. Mukherjee ...for the State.

Affidavit of service filed on behalf of the petitioners is taken on record.

Heard learned counsels for the parties.

It is contended on behalf of the petitioners that they are the recorded owners of the plot in question, a portion of which has been utilized by the Public Works Department by construction of a hotel in the name and style of “Pather Sathi” therein without acquiring the plot in accordance with law.

Pursuant to an order of a Co-ordinate Bench of this Court in WP 2777 (W) of 2019 on 1st July, 2019, the Additional Land Acquisition Officer, South 24 Parganas took up the issue for consideration upon hearing all the parties including the petitioners and concluded that the building was constructed by the PW (Roads) Department, Canning Highway Sub-division, South 24 Parganas in the

plot owned by the petitioners though the said plot was neither requisitioned nor acquired or handed over to the requiring body.

The Additional Land Acquisition Officer has further held that the petitioners may approach for redressal of their grievance and payment of compensation as per government norms to the authority, who had utilized the portion of the land.

Pursuant to the said order, the petitioner submitted a representation before the concerned authority requesting payment of adequate compensation in their favour at the present market rate or demolishing the building and handing over the property in their favour on 23rd June, 2022, which is yet to be disposed of. The petitioners pray for a direction upon the authority to consider the representation at the earliest.

It is submitted on behalf of the respondents that the 5th respondent be directed to consider and dispose of the representation within a stipulated time frame.

In view of the above, the writ petition is disposed of directing the 5th respondent to consider and dispose of the representation submitted by the petitioners dated 23rd June, 2022 within one month 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 petitioner within a week thereof.

With the above observations and directions, the writ petition being WPA 19556 of 2022 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.)