

11.04.2022  
rc/ct.no.10  
Item No.16

**WPA No. 21426 of 2021**  
**Sobрати Molla**  
**Versus**  
**State of West Bengal & Ors.**

Mr. Rajendra Banerjee                      ...for the petitioner

Mr. Ashim Ganguly  
Mr. Joydip Banerjee                      ....for the State

It is contended by the learned counsel appearing on behalf of the petitioner that the petitioner gifted a portion of the land owned by him to the Murarai-II Panchayat Samiti for construction of an office building by virtue of a deed of gift executed and registered in the year 1995. But while constructing a boundary wall in the said gifted plot, the Panchayat Samity encroached upon 5 decimals of the land owned by the petitioner without acquiring the same. The petitioner has prayed for compensation in terms of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as the "Act of 2013") for utilisation of the said land by the Panchayat Samity.

It appears from the letter issued by the Executive Officer, Murarai-II Panchayat Samiti to the District Panchayat and Rural Development Officer, Birbhum on December 05, 2019 that pursuant to an application made by the petitioner before the authority in this regard, it was admitted by the authority that 5 decimals of the

petitioner's land was within the boundary wall of the Panchayat Samity and the Executive Officer requested the District Panchayat and Rural Development Officer, Birbhum to consider the prayer of the petitioner and release the amount of compensation due to him.

The petitioner seeks liberty to submit a comprehensive representation before the concerned authority in this regard and prays for direction upon the authority to consider such representation in terms of Section 131 of the West Bengal Panchayat Act, 1973 as well as the Act of 2013 within a stipulated time frame.

In view of the above, the writ petition is disposed of with liberty to the petitioner to submit a comprehensive representation before the 3<sup>rd</sup> respondent within 7 days from date.

The respondent no. 3 shall consider and dispose of the representation within 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 thereof.

With the above observations and directions this writ petition being WPA No. 21426 of 2021 is disposed of.

There shall be, however, 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 furnished to the parties upon compliance of necessary formalities.

**(Suvra Ghosh,J)**