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07.03.2022
Ct. No.10
b.das

W.P.A. 22689 of 2015

(Via Video Conference)

Kumari Gopa Das
Vs.
State of W. B. & Ors.

Mr. Debasish Das ...for the petitioner.

Mr. L. M. Mahata
Mr. P.B. Mahata ...for the State.

Affidavit-in-reply filed on behalf of the petitioner is taken on record.

The contention of the petitioner is that he acquired title and possession of the land in question by virtue of inheritance from her predecessor-in-interest and the land was partitioned by a final decree passed in Title Suit No.215/97.

For the purpose of widening the Contai-Belda Major District Road, the State respondents sought to acquire 50 feet from both sides of the existing road from the owners of the land. Though the petitioner's land was initially acquired, subsequently the Land Acquisition Collector, Purba Midnapore issued a restoration notice to the owners of the land including the petitioner relinquishing 50 feet of land from both sides of the road and a sketch map to that

effect was drawn on 20th August, 1953. Some of the land was returned to the respective owners by issuance of writ of possession in their favour.

The writ petitioner prays for a direction upon the authority to demarcate the 50 feet of land in terms of the sketch map dated 20th August, 1953 in order to ascertain the portion of land acquired and relinquished by them.

Learned counsel appearing for the State respondents submits that such demarcation be done in presence of both the parties or their representatives in order to arrive at a decision in this regard.

In view of the same, the writ petition is disposed of directing the 3rd respondent to demarcate the land in question in presence of the petitioner or his representative in terms of the sketch map prepared by the authority on 20th August, 1953. Such exercise should be completed within a period of three months from the date of communication of this order.

With the above observations and directions this writ petition being WPA 22689 of 2015 is disposed of.

However, there shall be no order as to costs.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)