

17 24.2.2022
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W.P.A. 22603 OF 2011

(Via Video Conference)

Smt. Ganga Mahato & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Pratip Kumar Chatterjee
Mr. Md. Abdul Alim.

.... For the Petitioners

Mr. Shantanu Kumar Mitra
Mr. Mirza Kamruddin.

.... For the State

Mr. Ranjay De
Mr. Basabjit Banerjee.

.... For the Respondent
Nos. 8 & 9

The writ petition is taken up for hearing in presence of the learned advocates representing the petitioners, State respondents and the West Bengal Power Development Corporation Limited.

The writ petition pertains to providing employment to a member of the petitioners' family under 'Land Loser' category since it has been submitted on behalf of the petitioners that the land of the petitioners has been acquired by the concerned respondent authorities for Bakreshwar Thermal Power Project.

Previously a writ petition was preferred being W.P. 753 (W) of 2011 which was disposed of by a coordinate Bench by an order passed on 4th May, 2011 thereby directing the Chairman, Screening Committee and Sub-Divisional Officer Sadar, Suri, Birbhum to take a decision after granting an opportunity of hearing to the petitioners.

Pursuant to such direction passed by the coordinate Bench on 4th May, 2011, a decision has been taken by the Sub-Divisional Officer Sadar, Suri, Birbhum, respondent no. 3, vide issuing Memo dated 28th June, 2011 being No. 1363/S whereby the claim of the petitioners for providing employment under 'Land Loser' category was spurned. The Memo dated 28th June, 2011 is the subject-matter of challenge in this writ petition.

This Court has heard learned advocates representing the parties as well as perused the impugned Memo dated 28th June, 2011 wherefrom it appears that the decision of the respondent no. 3 is devoid of any reason and is cryptic one. When the Court has directed the respondent no. 3 to pass a reasoned decision on the claim of the petitioners relating to providing appointment under 'Land Loser' category under the relevant scheme, the authority concerned is required to assign tenable reason in support of the decision taken in this regard. It also appears from the said impugned Memo dated 28th June, 2011 that the concerned respondent authority has not applied its mind while rejecting the claim of the petitioners.

In the above conspectus the impugned Memo dated 28th June, 2011 is set aside and the respondent no. 3 is directed to revisit the issue relates to providing employment to a member of petitioners' family under 'Land Loser' category in terms of the relevant scheme,

within a period of eight weeks from date of communication of this order after granting an opportunity of hearing to the petitioners or their representative. It is reiterated that the respondent no. 3 is required to pass a reasoned order and the same shall be communicated to the petitioners within a period of two weeks thereafter.

With the above direction, the writ petition stands disposed of.

However, there will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously on usual undertaking.

(Saugata Bhattacharyya, J.)