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W.P.A. 7207 of 2020

(CAN 1 of 2020)

(Dilip Kr . Kuila vs. State of West Bengal & Ors.)

Ms. Priyanka Jana

.... For the Petitioner

Mr. Susovan Sengupta

Mr. Manas Kr. Sadhu

.... For the State

It is submitted on behalf of the petitioner that the petitioner acquired title in respect of 52 decimals of land in Dag No. 402 in J.L. No. 273 L.R. Khatian No. 227, Mouja – Chak Srikrishnapur in the district of Purba Medinipur by virtue of registered deed of sale dated 6th January, 1967. The State respondents acquired 17 decimals out of the said portion of the petitioner's land and paid compensation to the petitioner for the same. Another 4 decimals of land was acquired from the portion of the private respondents. The petitioner has alleged that while taking possession of the land the entire 21 decimals of land was taken possession of from the portion of the petitioner and the land of the private respondents was not touched. On prayer of the petitioner in a writ petition being W.P. 21067(W) of 2012, a co-ordinate Bench of this Court, by an order dated 26th November, 2012 directed the concerned Authority to take possession of the acquired land as per the declaration published

under Section 6 of the Land Acquisition Act for which compensation has been awarded. It is submitted on behalf of the petitioner that pursuant to the said order, field verification was held by the State respondents and sketch map was prepared. The sketch map does not show the true picture of the land in question for which objection was raised by the petitioner to the same. A notice for removal of unauthorised occupation was slapped on the petitioner on 8th June, 2018 which was followed by a second notice on 18th August, 2020. The petitioner filed objections to the said notices which were not heeded to. Subsequently a notice under Section 4(1) of the West Bengal Public Land (Eviction of Unauthorised Occupants) Act, 1962 was served to the petitioner on 9th September, 2020 and during pendency of the writ petition the Sub-Divisional Officer, Tamluk, by an order dated 24th September, 2020, directed delivery of possession of the plot in question. The petitioner submits that pursuant to the said order the construction in the plot of the petitioner was demolished and possession of the plot was taken by the State respondents.

Placing reliance on the report in the form of affidavit submitted by the Special Land Acquisition Officer, Tamluk, learned counsel for the State respondents submits that the remedy of the petitioner lies before the appellate Forum and the petitioner is at liberty to challenge the order impugned dated 9th September, 2020 before the said Forum. In view of the fact that possession of the plot in question has been taken by the State respondents after demolition

of the structure therein, the prayers in the present writ petition have become redundant.

In view of the same, W.P.A. 7207 of 2020 is disposed of.

However, the petitioner is at liberty to approach the appropriate Forum for redressal of his grievances within a month from date. The appropriate Forum shall consider and dispose of the appeal filed by the petitioner before it within a period of three months from the date of filing of the appeal after giving reasonable opportunity of hearing to the parties, in accordance with law.

There shall be no order as to costs.

Consequently, connected application being CAN 1 of 2020 stands disposed of.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)