

17.01.2022
Court No. 19
Item no.14
(gc)

WPA 8727 of 2020

**Netai Maity & Anr.
Vs.
The State of West Bengal & Ors.**

Mr. Soumoshree Bhattacharjee, Adv.,
.....for the petitioners.
Mr. Chandi Charan De, Ld. A.G.P.,
Mr. Anirban Sark, Adv.,
...for the State.
Mr. Sudhir Bhattacharjee,
...for the Respondent No.5

The petitioners have contended that the super cyclone Amphan had destroyed and damaged their homes. The petitioners are the residents under Kolorah No.II, Gram Panchayat. The petitioners requested the authorities for adequate compensation so that the petitioners could reconstruct their damaged houses. According to the petitioners, despite several applications and representations, the authorities had not taken any steps.

Having considered the rival contentions of the parties, the Court is of the opinion that the eligibility of the petitioners to be awarded the compensation for reconstruction of their destroyed and damaged houses have to be decided by the authority concerned upon holding an inspection with regard to the correctness of the statements made by the petitioners. Thus, this Court disposes of the matter

with a direction upon the District Magistrate, Howrah to dispose of the representation of the petitioners dated 22nd September, 2020 made through their learned Advocate, in accordance with law. The authority concerned shall cause inspection of the damaged houses through the competent staff as per procedure and thereafter pass a reasoned order on the prayers made by the petitioners through their learned Advocate in the said representation being Annexure-P4. The reasoned order so passed shall be communicated to the petitioners. If the petitioners are found eligible the payment shall be released. If the petitioners were not eligible reasons shall be disclosed in the reasoned order. The entire exercise shall be completed within a period of four months from the date of communication of this order. This court has not decided the merits of the claim of the petitioners.

The writ petition is, thus, disposed of. However, there shall be no order as to costs.

Parties are to act on the server copy of this order. A copy of the representation shall be served upon the District Magistrate, Howrah along with a server copy of this order.

(Shampa Sarkar, J.)