

06.06.2023
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W.P.A. 1185 of 2023
(Kalpana Khan & Ors. vs. State of West Bengal & Ors.)

Mr. Debasis Sur
Mr. A. Patra

.... For the Petitioners

Mr. Soumitra Bandyopadhyay
Mr. Srikanta Paul

.... For the State

Affidavit of service filed on behalf of the petitioners is taken on record.

The petitioners claim to be the recorded owners of the plots in question and complain that though the said plots have been acquired by the State respondents, no compensation has been paid to them till date. In reply to an application under the Right to Information Act, 2005 made by the petitioners, the Land Acquisition Officer (General), Howrah, by a letter issued on 26th September, 2022 informed that possession of the plots in question was taken on 4th September, 1985 and 0.43 acre of land was involved in the L.A. case being No.-03(Act-II) of 1985-86. The petitioners submitted a representation requesting payment of compensation before the Executive Engineer, Howrah Highway Division, P.W. (Roads) Directorate, Howrah on 18th July, 2022 which was forwarded to the Land Acquisition

Collector (General) on 22nd July, 2022. The petitioners submit that no further step has been taken by the concerned authority till date.

Upon consideration of the submission made on behalf of the parties and material on record, this Court is of the view that since the representation made by the petitioners is pending before the Land Acquisition Collector (General), being the 7th respondent herein, the said respondent be directed to consider and dispose of the representation within two months from the date of communication of this order upon affording reasonable opportunity of hearing to all the stake holders including the petitioners, in accordance with law.

The decision taken by the authority shall be communicated to the petitioners within a week thereof.

In the event the petitioners are found entitled to compensation, such compensation be disbursed in their favour within one month thereafter.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

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

(Suvra Ghosh, J.)