

24.04.2023
rc/ct.no.10
Item No.16

WPA No. 2817 of 2023
Nirapada De & Ors.
Versus
The State of West Bengal & Ors.

Mr. Swapan Kumar Kar ...for the petitioner

Mr. Soumitra Bandyopadhyay
Mr. Priyabrata Batabyal ...for the State

Affidavit of service filed by the petitioner is taken on record.

It is contended on behalf of the petitioners that notice under Section 3(1) of the West Bengal (Requisition and Acquisition) Act, 1948 (hereinafter referred to as "the Act of 1948") was served upon the petitioners and possession of the land in question was taken from the predecessor in interest of the petitioners in the year 1976 in connection with the LA Case No. I-13 of 74-75. The Act of 1948 lapsed with effect from 31st March, 1997 and notice under Section 9(3A) of the Land Acquisition (West Bengal Amendment) Act, 1999 was issued upon the petitioners on 1st February, 2013 and requesting the petitioners to appear personally or by agent before the concerned authority on 18th February, 2013.

It is submitted on behalf of the petitioners that though the petitioners appeared before the authority on the relevant date and was given an opportunity of hearing by the authority, no further communication has been made to them by the authority till date. The petitioners seek to submit a comprehensive representation stating the

entire facts before the concerned authority and pray for a direction upon the authority to consider the representation at the earliest.

It is submitted on behalf of the State-respondents that 3rd respondent be directed to consider the representation in accordance with law.

In view of the above, the writ petition is disposed of with liberty to the petitioners to submit a comprehensive representation before the 3rd respondent within 10 days from date. The 3rd respondent is directed to consider and dispose of the representation within two months from the date of receipt thereof after affording reasonable opportunity of hearing to all interested persons including the petitioners, in accordance with law.

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

With the above observations and directions this writ petition is disposed of.

There shall be, however, no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)