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jdt.

27.09.2023
jb.

W.P.A. 3080 of 2023
(Chaypan Bibi & Anr. vs. State of West Bengal & Ors.)

Mr. Kushal Chatterjee
Mr. Shibjit Mitra
Mr. Sudarsan Halder
.... For the Petitioners

Mr. Ashim Kr. Ganguly
Ms. Jyotsna Roy Mukherjee
.... For the State

Syed Nasim Aejay
.... For the Private Respondent

Report in the form of affidavit submitted on behalf of the State respondents is taken on record.

Heard learned counsels for the parties.

The petitioners assail the orders passed by the Block Land and Land Reforms Officer, Bhangar I, District South 24 Parganas on 23rd September, 2020 and 17th June, 2022 primarily on the ground that the orders were passed without service of notice upon the petitioners and also without granting them an opportunity of hearing before the authority.

It appears from the report in the form of affidavit submitted on behalf of the State respondents that though notices of hearing were issued upon the petitioners some time in 2019, there is no document which indicates service of notices upon the petitioners. No fresh notice also appears to have been served upon the petitioners prior to the hearing on 17th June, 2022.

In view of the above, this Court is inclined to hold that since the petitioners were deprived of an opportunity of hearing before the authority when the impugned orders were passed, the orders need to be set aside.

Accordingly, the orders passed by Block Land and Land Reforms Officer, Bhargar I, District South 24 Parganas on 23rd September, 2020 and 17th June, 2022 are set aside/quashed.

The writ petition is disposed of directing Block Land and Land Reforms Officer, Bhargar I, District South 24 Parganas being the 4th respondent herein to revisit the issue upon service of notice to all concerned including the petitioners and affording them an opportunity of hearing.

The entire exercise should be completed within two months from the date of communication of this order.

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.)