

23.08.2023
rc/ct.no.10
Item No.20

WPA No. 3866 of 2023
Paresh Maity
Versus
State of West Bengal & Ors.

Mr. Partha Pratim Roy
Mr. Dyutiman Banerjee ...for the petitioner

Mr. Chandi Charan De
Mr. Anirban Sarkarfor the State

Affidavit of service filed by the petitioner and the report submitted on behalf of the State-respondents are taken on record.

It appears from the report submitted on behalf of the State-respondents that the land of the petitioner was utilised by the authority for construction of embankment, without acquiring the same.

It is submitted on behalf of the petitioner that the concerned authority be directed to either acquire the land in question in terms of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 or take necessary steps for direct purchase of the land. The petitioner seeks to submit a comprehensive representation before the concerned authority in this regard and prays for a direction upon the authority to consider the representation at the earliest.

It is submitted on behalf of the State-respondents that the 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 petitioner to submit a comprehensive representation before the 3rd respondent within 15 days from date. The 3rd respondent is directed to consider and dispose of the representation within one month from the date of receipt thereof in presence of the 6th respondent and upon affording reasonable opportunity of hearing to all the stakeholders including the petitioner, in accordance with law.

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

Upon disposal of the representation, necessary consequential steps be taken by the respondent nos. 1, 3 and 6 within three months thereafter.

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)