

13.04.2023
rc/ct.no.10
Item No.20+21

**WPA No. 9202 of 2020
with
CAN No. 1 of 2023
and
WPA No. 3446 of 2020
with
CAN No. 1 of 2023
and
CAN No. 2 of 2023**

Mr. Rafiqul Islam
Ms. Monika Sarkar ...for the petitioners

Mr. Aviroop Mitra ...for the HIDCO

Mr. Soumitra Bandyopadhyay
Mr. Subhasis Bandyopadhyay ...for the State

Mr. Partha Pratim Roy
Mr. Anirban Das ...for the applicant
(CAN No. 1 of 2023 in
WPA No. 3446 of 2020)

Mr. Sanajit Kumar Ghosh ...for the applicant

The primary grievance of the petitioners in the writ petition is that the State-respondents are encroaching upon the unacquired portion of the plots in question though only a portion of the plots have been acquired.

It is submitted on behalf of the State-respondents that entire plot no. 146 and portions of the plot nos. 165-166 in Mouja – Teghoria, J.L.No. 9 have been acquired by LA Case No. 4/18 of 1994-95 and LA Case No. 4/35 of 1995-96.

The acquired portions have been demarcated by the State-respondents in presence of the petitioners.

In view of the above, nothing further remains to be adjudicated in the present writ petitions.

Two applications have been filed by Mr. Amitava Dey and Mr. Arvind Kr. Sultania for being added as parties to the writ petition on the ground that they are co-sharers in respect of the plots in question.

Since the writ petition itself has been disposed of, the applications being CAN No. 1 of 2023 and CAN No. 2 of 2023 in connection with WPA No. 9202 of 2020 and CAN No. 1 of 2023 in connection with WPA No. 3446 of 2022 have become infructuous and are accordingly disposed of.

It is made clear that the dispute with regard to the title in respect of the plots in question raised by the proposed added respondents and the petitioners has not been gone into by this Court. The parties are at liberty to raise such dispute before the appropriate forum in accordance with law.

With the above observations and directions these writ petitions are 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)