

WPA 4628 of 2022

Basanti Ghosh
Vs.
The State of West Bengal & Ors.

Adv. Partha Chakraborty,
Adv. Paulami Dutta

...for the petitioner.

Adv. Soumitra Bandyopadhyay,
Adv. Subhasis Bandyopadhyay,

...for the State.

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

It is contended on behalf of the petitioner that huge chunks of land including the land of the petitioner were acquired by the State respondents under the Land Acquisition Act, 1894 for the purpose of construction of Housing Estate. Pursuant to an order passed by a coordinate Bench of this Court, the land of the petitioner was de-requisitioned and the petitioner was handed over possession of the land by virtue of a possession certificate issued on 29th November, 1995. Since the de-requisitioned portion of the land belonging to the petitioner was not demarcated by the authority, the petitioner is not in a position to identify the said land and, therefore, cannot utilise the same. The petitioner has submitted a representation before the concerned authority on 3rd February, 2022 through her constituted attorney which has not been considered. The petitioner prays for a

direction upon the authority to consider the representation at the earliest.

It is submitted on behalf of the State respondents that possession of the plot in question was handed over to the petitioner way back in 1995 and the petitioner has not been able to explain the delay in filing the present writ petition praying for demarcation of the land. Learned counsel further submits that the writ petition has been affirmed by the constituted attorney of the petitioner who has stated that the statements contained in paragraphs 1 to 21 are true to his knowledge.

The special power of attorney executed by the petitioner in favour of the constituted attorney on 30th January, 2022 has been annexed to the writ petition. The writ petition has been affirmed pursuant to such power of attorney.

Since the representation submitted by the petitioner before the concerned authority is pending, the writ petition is disposed of directing the 2nd respondent to consider and dispose of the representation submitted on behalf of the petitioner on 3rd February, 2022 within two months from the date of communication of this order upon affording reasonable opportunity of hearing to all the interested persons including the petitioner/her authorised representative, in accordance with law.

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

It is made clear that this Court has not gone into the merits of the case and the authority shall be at liberty to decide the representation submitted on behalf of the petitioner on merits in accordance with law without being influenced by any observation which may have been made in this order.

With the aforesaid observations and directions, WPA 4628 of 2022 is disposed of.

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

There shall however, be no order as to costs.

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

(Suvra Ghosh, J.)