

16.03.2023
rc/ct.no.10
Item No.11

WPA No. 5058 of 2023

Mr. Panchanan Hazra ...for the petitioners

Mr. Chandi Charan De ...for the State

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

None appears for the State-respondents despite service.

Mr. Chandi Charan De, learned advocate, who usually appears on behalf of the State-respondent and is present in Court today, is requested to represent the State-respondents in this matter. The office of the learned Legal Remembrancer is requested to regularise the service of Mr. De in this matter.

The petitioners are directed to serve a copy of this application along with annexures thereto upon Mr. De in course of this day.

The petitioners complain that their land was requisitioned according to the West Bengal Land (Requisition and Acquisition) Act, 1948 (hereinafter referred to as the "said Act of 1948") but the land was not acquired subsequently. In the meantime the said Act of 1948 stood repealed with effect from March 31, 1997.

The petitioners filed a representation before the 4th respondent on May 31, 2022 for release of their land and

payment of compensation but the said representation has not been considered till date. The petitioners pray for consideration of the said representation by the concerned authority.

Having considered the submissions made by the learned counsels appearing on behalf of the parties and the material on record, I dispose of the writ petition with a direction upon the 4th respondent to consider and dispose of the representation filed by the petitioners on May 31, 2022 within a period of three months from the date of communication of this order, after giving reasonable opportunity of hearing to all the affected parties including the petitioners, in accordance with law.

In the event the representation is decided in favour of the petitioners, necessary consequential steps be taken by the 4th respondent within a month 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)