

WPA 5102 of 2023

Nemai Paul & ors.
Vs.
The State of West Bengal & Ors.

Adv. Panchanan Hajra,
Adv. Santanu Kumar Mitra,
Adv. Subhabrata Das,
...for the petitioners.
...for the State.

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

It is submitted on behalf of the petitioners that by a judgment passed on 29th September, 2022 in an appeal being MAT no.464 of 2018, an Hon'ble Division Bench of this Court has decided the issue in the present writ petition with an observation that the State must compensate the land losers for having utilised their land, albeit for a public purpose. The Hon'ble Division Bench directed the State to acquire the land in question in terms of the provisions of the 2013 Act and pay compensation to the respondents therein under the said Act.

Learned counsel for the petitioners seeks a direction upon the concerned authority to consider the representation submitted by the petitioners before the authority on 20th December, 2022 in the light of the observation made by the Hon'ble Division Bench in the judgment.

It is submitted on behalf of the 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 directing the 3rd respondent to consider and dispose of the representation submitted by the petitioners dated 20th December, 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 petitioners, in accordance with law in the light of the observation made by the Hon'ble Division Bench in the judgment referred to above.

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

In the event, the petitioners are found entitled to compensation, such compensation shall be disbursed to the petitioners within two months thereafter.

With the aforesaid directions, WPA 5102 of 2023 is disposed of.

There shall however, be no order as to costs.

Since no affidavit in opposition 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 on usual undertakings.

(Suvra Ghosh, J.)