

23.06.2023
jb.

W.P.A. 4281 of 2018
(Syed Abdul Hasib vs. State of West Bengal & Ors.)

Mr. Kajol Roy

.... For the Petitioner

Mr. Chandi Charan De

Mr. Anirban Sarkar

.... For the State

Heard learned counsels for the parties.

The petitioner claims to be the recorded owner of 56 decimals of land in R. S. Dag No. 779, Khatian No. 214, J. L. No. 72, Mouza Purba Naldanga, District Bankura and submits that the State respondents have utilised 26 decimals of land without acquiring the same by due process of law. No compensation has obviously been paid to the petitioner for the same. In the earlier writ petitions filed by the petitioner before this Court claiming compensation, co-ordinate Benches of this Court, by an order passed on 9th July, 2007 in W.P. No. 23025(W) of 2006 and 7th February, 2017 in W.P. 6742 (W) of 2016 respectively granted liberty to the petitioner and other interested persons to approach the concerned authority seeking damages or compensation for utilisation of the plot by the authority. The petitioner seeks to submit a comprehensive representation before

the concerned authority ventilating his grievance and prays for direction upon the authority to consider the representation at the earliest.

It appears from the enquiry report submitted by the petitioner that a joint enquiry of the plot in question was held by the concerned authority on 28th June, 2007 and the report indicates that 5 decimals of the land have been utilised by the RBI Division, 21 decimals by the said division by constructing a canal and the remaining 30 decimals is a canal (Khal). Therefore, admittedly 26 decimals of the plot in question have been utilised by the State respondents and the same has not been acquired by due process of law.

Learned counsel for the petitioner submits that he is agreeable to direct purchase of the plot in question by the State respondents upon payment of present market value of the plot.

In view of the above, the writ petition is disposed of with liberty to the petitioner to submit a comprehensive representation ventilating his grievance before the concerned authority being the 3rd respondent herein within two weeks from date. The 3rd respondent is directed to consider and dispose of the representation submitted by the petitioner within two months from the date of receipt thereof upon affording reasonable opportunity of hearing to the petitioner, in accordance with law. The concerned authority shall consider the

proposal of the petitioner for direct purchase of the plot in question in disposing of the representation.

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

The writ petition is thus disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)