

03.01.2023
rc/ct.no.10
Item No.57

WPA No. 5446 of 2022

Mr. Mukteshwar Maity ...for the petitioner

Mr. Chandi Charan De ...for the State

Affidavit of service filed in Court today is taken on record.

None appears on behalf of 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 the writ petition along with annexures thereto upon Mr. De in course of this day.

The petitioners claim to be recorded owners of the plot in question and submit that though the said plot was acquired by the State-respondents vide LA Case No. 47 of 58-59, no compensation has been paid to them till date. The petitioners were also informed by the State Public Information Officer and Special Land Acquisition Officer, Purba Burdwan by a letter issued on 18th March, 2019 in reply to an application filed by them under the Right to

Information Act, 2005 that though the land was acquired, the record of the LA Case is not traceable. The petitioners submitted a representation before the concerned authority on 29th September, 2020 which is yet to be considered.

The petitioner prays for a direction upon the concerned authority to consider the representation at the earliest.

It is submitted on behalf of the State-respondents that the 2nd respondent be directed to consider the representation in accordance with law.

In view of the above, the writ petition is disposed of directing the 2nd respondent to consider and dispose of the representation submitted by the petitioner on 29th September, 2020 within a period of two months from the date of communication of this order, after giving reasonable opportunity of hearing to all the affected parties including the petitioner, in accordance with law.

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

In the event the petitioners are entitled to compensation, such compensation shall be paid to the petitioners within two months 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)