

70
jdt.

17.02.2023
jb.

W.P.A. 5172 of 2019
(Bikram Barman vs. State of West Bengal & Ors.)

Ms. Papiya Chattopadhyay
.... For the Petitioner

Mr. A. P. Lahiri
Mr. S. P. Lahiri
.... For the State

Heard learned counsels for the parties.

It is submitted on behalf of the petitioner that the land belonging to the father of the petitioner was acquired by the Government under the Land Acquisition Act, 1894 vide L.A.P. case No. 62/2003-2004. The petitioner submits that he being an unemployed person and a member of the family of the land loser, is entitled to be registered under the exempted category cell of the National Employment Exchange in terms of the notification published by the Labour Department, Government of West Bengal on August 21, 2002. The petitioner submitted an application in this regard before the concerned authority on 23rd March, 2018 which is yet to be considered. The petitioner prays for a direction upon the authority to consider the said application and issue land loser's certificate in his favour at the earliest.

It is submitted on behalf of the respondents that the land in question was acquired in 2003-2004 when

the petitioner was a minor. It is to be determined by the concerned authority as to whether the Rules permit the petitioner to file an application for issuance of land loser's certificate after attaining majority after passage of a considerable period of time. Learned counsel further submits that the notification in question deals with declaration of categories of persons as exempted categories and does not deal with issuance of land loser's certificate as claimed by the petitioner.

Be that as it may, since the application filed by the petitioner before the concerned authority is pending, the concerned authority, being the 4th respondent herein, be directed to deal with the application within a stipulated time frame, in accordance with law.

In view of the above, the writ petition is disposed of directing the 4th respondent to consider and dispose of the application submitted by the petitioner dated 23rd March, 2018 within one month from the date of communication of this order upon affording reasonable opportunity of hearing to the petitioner, in accordance with law.

The decision taken by the authority shall be communicated to the petitioner 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 deal with the application submitted by the

petitioner independently in accordance with law without being influenced by any observation that may have been made in this order.

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.)