

July 4, 2023
(36) ARDR

WPA 6698 of 2022

Nitai Mondal
Vs.
The State of West Bengal & ors.

Adv. Arjun Roy Mukherjee,
Adv. Jayjeev Medhi,
...for the petitioner.
Adv. Uttam Banerjee,
Adv. Arunesh Pathak,
...for the added respondents.
Adv. Somnath Roy,
Adv. Kousik Karmakar,
...for the respondent no.4.
Adv. Lalit Mohan Mahata,
Adv. Supratim Dhar,
...for the State.

Report submitted on behalf of the State respondents
is taken on record.

Heard learned counsels for the parties.

It is contended on behalf of the petitioner that the Municipal Affairs Department, Government of West Bengal, vide memorandum no.93/MA/C-10/Misc-13/2014 dated 6th February, 2015 formulated the “Nijo Bhumi Nijo Griha Prokalpo Scheme” for providing land in urban areas to families belonging to economically weaker section of the society, for homestead purpose. The Government of West Bengal constituted a committee for implementation of the scheme in each urban local body with the Mayor of the respective Municipal Corporations/Chairpersons of the Municipalities as the Chairman of the committee.

The petitioner submits that even after lapse of one year no land was allotted to the petitioner pursuant to the said scheme. Several representations submitted by the petitioner and the private respondents who are similarly circumstanced with the petitioner have fallen on deaf ears. The petitioner prays for a direction upon the authority to take necessary steps for implementation of the scheme and allotting land in his favour at the earliest.

Learned counsel for the State respondents places reliance on an order being No.112/MA/O/C-4/1A-2/2010 issued on 1st March, 2010 by the Municipal Affairs Department, Government of West Bengal, clause (vi) of which records that the Urban Local Bodies and the concerned Land & Land Reforms Officer will conduct joint survey to ascertain the details of the land of the occupiers concerned as well as the detail of such occupants and prepare the reports accordingly for sending the same to the Land & Land Reforms Department for finalising of settlement of land by that department for 99 years with the occupier concerned.

Learned counsels for the State as well as the Department of Municipal Affairs, Government of West Bengal concede to act in terms of the notification dated 1st March, 2010.

In view of the above, this Court is inclined to hold that since the representations submitted by the petitioner and the added respondents on 23rd September, 2021, 14th

December, 2021 and 11th January, 2022 in this regard are pending consideration, the concerned authority, being the respondent nos. 3, 4 and 5 are directed to consider and dispose of the said representations jointly within two months from the date of communication of this order upon affording reasonable opportunity of hearing to all the interested parties including the petitioner and the added respondents and in terms of the notification dated 1st March, 2010 and memorandum dated 6th February, 2015, in accordance with law.

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

With the aforesaid directions, WPA 6698 of 2022 is disposed of.

There shall however, be 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 on usual undertakings.

(Suvra Ghosh, J.)