

W.P.A. 6877 of 2022

Chanchal Kumar Pramanik
Vs.
The State of W. B. & Ors.

Mr. Supratick Shyamal
Mr. R. Mitra
Mr. K. Banerjee ...for the petitioner.

Mr. Chandi Charan De
Ms. R. Rahaman ...for the State.

Affidavit of service filed on behalf of the petitioner is taken on record.

Heard learned counsels for the parties.

The writ petitioner used to run his business in a portion of PWD land adjacent to the NH-117 which was utilized by the concerned authority for the purpose of construction of high level bridge on the river Hatania-Doania by virtue of notification published by the Executive Engineer National Highway Sub-Division-I, PW (Roads) Directorate.

The petitioner was informed that the respondent authorities decided to award compensation to the tune of Rs.15,23,00,000/- as well as rehabilitation to the occupiers of the said land vide Memo No.275(4)-Con/Ci dated 4th September, 2014.

The petitioner submitted a representation claiming such amount before the concerned authority, which was

rejected by an order passed on 10th February, 2022 primarily on the ground that in a writ petition filed on a similar issue, it was held by this Court that the petitioner therein had no legally enforceable right and was not entitled to any relief or compensation whatsoever.

It is submitted on behalf of the petitioner that the said order was carried in appeal and the Hon'ble Division Bench remanded back the matter to the Single Bench for fresh consideration.

In view of the above, this Court is inclined to hold that since the concerned authority rejected the representation submitted by the petitioner solely in terms of the order passed by this Court in the earlier writ petition which was subsequently set aside by an Hon'ble Division Bench of this Court, the order impugned passed on 10th February, 2022 is required to be set aside and the authority be directed to reconsider the representation submitted by the petitioner in terms of the Memo issued on 4th September, 2014.

In view of the above, the order impugned passed on 10th February, 2022 is set aside.

The writ petition is disposed of directing the 2nd respondent to reconsider the representation submitted by the petitioner within one month from the date of communication of this order upon affording reasonable opportunity of hearing to all the interested parties including the petitioner, in accordance with law.

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

With the above observations and directions this writ petition being WPA 6877 of 2022 is disposed of.

However, there shall 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 supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)