

43
jdt.

22.06.2023
jb.

W.P.A. 7730 of 2023
(Adnan Ahmed & Anr. vs. State of West Bengal & Ors.)

Mr. Suman Snehanabis
Ms. Atulya Sinha
.... For the Petitioners

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

None appears for the State respondents despite service.

Mr. Chandi Charan De who is present in Court and usually appears for the State is requested to represent the State in this matter along with a junior of his choice. The appointment of Mr. De, learned advocate and Mr. Anirban Sarkar, learned advocate be regularised by the office of the learned Legal Remembrancer. Copy of the writ petition be served upon Mr. De in course of the day.

On prayer of the petitioners liberty is granted to implead the Special Land Acquisition Officer, South 24 Parganas as respondent No. 4 in the writ petition. Cause title of the writ petition be amended accordingly.

The petitioners claim to be the recorded owners of the plot in question by virtue of purchase vide a registered deed of conveyance dated 4th May, 2017. The

petitioners have been possessing the property by constructing residential building therein. The petitioners applied for mutation of the property in their names by an application under Section 50 of the West Bengal Land Reforms Act, 1955 before the concerned authority which was turned down by the authority by an order passed on 13th February, 2023. In reply to an application made by the petitioners under the Right to Information Act, 2005, the concerned authority stated that the plot in question was covered under Notification No. 6700 LA (PW) dated 14th March, 1975 in LA case No. II/10 of 1970-71 for TP drainage scheme.

It is submitted on behalf of the petitioners that the petitioners are in possession of the land since their purchase and no further step has been taken by the State respondents pursuant to the notification referred to above for utilisation of the land. The petitioners submitted a representation before the concerned authority on 24th February, 2023 requesting withdrawal of the acquisition in respect of the land in question as they have been residing therein since their purchase. The representation is yet to be considered. The petitioners pray for a direction upon the authority to consider the representation at the earliest.

It is submitted on behalf of the respondents that the Special Land Acquisition Officer, South 24 Parganas

be directed to consider the representation 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 representation submitted by the petitioners dated 24th February, 2023 within two months from the date of communication of this order upon affording reasonable opportunity of hearing to all the interested persons including the petitioners, in accordance with law. The petitioners shall be at liberty to place relevant documents in support of their claim before the concerned authority at the time of hearing.

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.)