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jdt.

18.08.2023
jb.

W.P.A. 7928 of 2022
(Smt. Mamata Nath vs. The Union of India & Ors.)

Mr. Tapash Kr. Bhattacharya
Mr. Aviroop Bhattacharya
.... For the Petitioner
Mr. Ayan Banerjee
Ms. Debjani Sengupta
.... For the State
Ms. Monika Ray
.... For the NHAI

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

Heard learned counsels for the parties.

Pursuant to an order passed by this Court on 2nd September, 2021 in WPA 2009 of 2021 granting liberty to the petitioner to file an application before the concerned authority for disbursal of compensation in respect of the missing structure in the plot in question and directing the authority to consider and dispose of the application in accordance with law within a stipulated time frame, the petitioner submitted an application before the authority on 8th September, 2021. The application was taken up for consideration by the authority on 9th March, 2022. The petitioner did not appear before the authority at the time of hearing despite receipt of notice since a contempt application filed by the petitioner against the authority for non-compliance of the earlier of this Court was pending. By the impugned order passed on 9th March, 2022, the application of the petitioner was rejected. The petitioner seeks

reconsideration of her prayer by the authority upon granting her an opportunity of hearing.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that though the petitioner deliberately did not appear before the authority on the date of hearing despite service of notice of hearing, the prayer of the petitioner be reconsidered by the authority in the interest of justice, upon affording reasonable opportunity of hearing to the petitioner.

Accordingly, the order impugned passed on 9th March 2022 is set aside.

The concerned authority, being the 2nd respondent herein, is directed to revisit the issue upon affording reasonable opportunity of hearing to the petitioner or her authorised representative and pass a reasoned order in accordance with law within one month from the date of communication of this order.

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 concerned authority shall be at liberty to deal with the issue independently without being influenced by any observation which 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.)