

27
14.07.2023
Ct. No.10
b.das

WPA 8445 of 2023

Fatik Kumar & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Sougata Mitra
Mr. Rameshwar Sinha
Ms. A. Dey
Ms. S. Chakraborty ...for the petitioners.

Mr. Chandi Charan De
Mr. Anirban Sarkar ...for the State.

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

None appears for the respondent nos.7 and 8 despite service.

Heard learned counsels for the parties.

The petitioners claim to be the recorded owners of the plot in question and submit that the said plot has been taken away by the respondents without paying any compensation to the petitioners for the same.

The petitioners learnt from a letter issued to the Pradhan, Rigid Gram Panchayat by the Assistant Engineer, Purulia Irrigation Division on 5th January, 2012 that the Executive Engineer, Purulia Irrigation Division was requested to obtain a resolution from the concerned gram sansad and/or the gram panchayat regarding their in-principle no objection to acquisition of proposed quantity of

land which is pre-requisite for cabinet clearance to land acquisition proposal.

Upon consideration of the submission made on behalf of the parties as well as the material on record this Court is inclined to hold that it cannot be ascertained whether the plot in question has actually been acquired by the State respondents or only a proposal for such acquisition has been floated.

However, the plot appears to have been utilized by the respondents, as submitted on behalf of the petitioners.

The petitioners submitted several representations before the concerned authority claiming compensation for utilization of their land, which are yet to be considered. The petitioners pray for a direction upon the concerned authority to consider the representations at the earliest.

It is submitted on behalf of the State respondents that since it cannot be ascertained as to whether the plot in question has actually been acquired or proposal for the same has been sent, the representations be directed to be considered by the Executive Engineer, Purulia Irrigation Division, being the 4th respondent, 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 representations submitted by the petitioners (annexure P-5 to the writ petition) within two months from the date communication of this order upon affording reasonable opportunity of hearing to all the interested persons

including the petitioners and the private respondents, in accordance with law.

The decision taken by the authority shall be communicated to the petitioners within a week thereafter.

With the above observations and directions this writ petition being WPA 8445 of 2023 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.)