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21.09.2023
Ct. No.10
b.das

WPA 9153 of 2023

Agamani Co-operative Housing Society Ltd.
Vs.
Union of India & Ors.

Mr. Jamiruddin Khan ...for the petitioner.

Mr. Atarup Banerjee ...for the respondent no.1.

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

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

None appears for the Haldia Dock Complex despite service.

Heard learned counsels for the parties.

It is contended on behalf of the petitioner that the authorities of the Haldia Dock Complex initially acquired the land of the petitioner vide notification dated 2nd December, 2002. Subsequently, the Deputy Chairman of Haldia Dock Complex by a letter issued to the Collector, Purba Medinipur on June 21, 2021 informed that the proposal for acquisition was cancelled and withdrawn. The Collector was requested to take necessary steps in respect of cancellation of the acquisition proceedings and arrange refund of the amount paid by the Haldia Dock Complex towards payment of 50% of estimated L.A. compensation.

The land of the petitioner having thus been freed from acquisition by the authority, the petitioner seeks return of the land in his favour.

Learned counsel for the petitioner takes this Court to a resolution taken by the Haldia Dock Complex on a proposal made by the petitioner for grant of way leave permission for egress and ingress of the petitioner from/to his property.

By resolution dated 3rd November, 2021, the Trustees decided to ratify the decision for withdrawal of acquisition proposal and grant of way leave permission in favour of the petitioner.

The petitioner submitted several representations before the Special Land Acquisition Officer seeking release of his land and issuance of No Objection Certificate so that he can proceed to construct the housing complex on the said land as contemplated. The representations are yet to be considered. The petitioner has prayed for direction upon the authority to consider the representations at the earliest.

The petitioner has also given an undertaking before the L.A. Collector, Haldia and Special Land Acquisition Officer by a letter dated 22nd August, 2022 that he shall not claim any damage suffered in consequence of the acquisition proceeding.

Learned counsel for the State respondents submits that the 7th respondent be directed to deal with the

representations submitted by the petitioner, in accordance with law.

In view of the above, writ petition is disposed of directing the 7th respondent to consider and dispose of the representations made by the petitioner (annexure P-13 to the writ petition) within one month from the date of communication of this order upon affording reasonable opportunity of hearing to all concerned including the petitioner and Haldia Dock Complex authorities, in accordance with law.

Upon disposal of the representations, necessary consequential steps be taken by the authority within a month thereafter.

Since Haldia Dock Complex authorities have agreed to provide way leave permission in favour of the petitioner, it is expected that such permission shall be granted to the petitioner immediately upon release of the plots in question in favour of the petitioner.

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.)