

September 6, 2023
ARDR (234)

WPA 10047 of 2023

Mayna Mondal
Vs.
The State of West Bengal & ors.

Adv. Himangshu Ghosh,
Adv. Hemanta Kumar Das,
...for the petitioner.
Adv. Soumitra Bandyopadhyay,
Adv. Priyabrata Batabyal,
...for the State.

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

None appears for the respondent nos. 5,6,7, 9 and 10 despite service.

It is contended on behalf of the petitioner that a portion of the land of the petitioner was utilised by the West Bengal State Minor Irrigation Corporation with an assurance of payment of compensation and providing a job to the petitioner. The petitioner has neither been favoured with the compensation nor a job by the authority till date. The petitioner filed a writ petition before this Court earlier being WPA 3311 of 2015 wherein by an order passed on 27th March, 2015, a coordinate Bench of this Court recorded that the Corporation expressed its willingness to purchase the portion of the land of the petitioner utilised by them. The writ petition was dismissed in absence of any detail or material particulars and the petitioner was granted liberty to file an appropriate proceeding in accordance with law after providing necessary material particulars and details in respect of his grievance.

In terms of the said order the petitioner submitted a representation before the Secretary, West Bengal State Irrigation Corporation (MIC) on 23rd February, 2022 which is yet to be considered. The petitioner prays for a direction upon the authority to consider the representation at the earliest.

Upon consideration of the submission made on behalf of the parties, the writ petition is disposed of directing the Secretary, West Bengal State Irrigation Corporation (MIC) being the 9th respondent herein, to consider and dispose of the representation submitted by the petitioner dated 23rd February, 2022 within two months from the date of communication of this order by passing a reasoned and speaking order upon affording reasonable opportunity of hearing to all the stakeholders including the petitioner, in accordance with law.

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

Since the 9th respondent is not represented, the petitioner is directed to serve a copy of this order along with the representation upon the 9th respondent at the earliest.

With the aforesaid directions the writ petition, being WPA 10047 of 2023 is disposed of.

There shall however, 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 furnished to the parties on usual undertakings.

(Suvra Ghosh, J.)