

30.08.2023
rc/ct.no.10
Item No.31

WPA No. 10699 of 2023
Kailash Singh & Ors.
Versus
State of West Bengal & Ors.

Mr. Dyutiman Banerjee ...for the petitioner

Mr. Chandi Charan Defor the State

Affidavit of service filed in Court today is taken on record.

None appears on behalf of the State-respondents despite service.

Mr. Chandi Charan De, learned advocate, who usually appears on behalf of the State-respondents and is present in Court today, is requested to represent the State-respondents in this matter. The office of the learned Legal Remembrancer is requested to regularise the service of Mr. De in this matter.

The petitioner is directed to serve a copy of this application along with annexures thereto upon Mr. De in course of this day.

The land in question originally belonged to the predecessor in interest to the petitioners and was acquired by the respondent authorities vide LA Case No. 10/105 of 1976-77. The said predecessor in interest received award as awardee no. 74/28. Although the petitioners felt that the compensation granted was abysmally low, they could

not file an application under Section 18 of the Land Acquisition Act, 1894 (hereinafter referred to as "the Act of 1894"). The petitioners subsequently learnt that LA Case No. 29/96(v) arising out LA Collector Case No. 11/105 of 1976-77 was disposed of by the learned Judge at Alipore Court by a judgment passed on December 12, 2003. The petitioners filed an application under Section 28A of the Act of 1894 before the learned LA Collector which is yet to be considered. The petitioners seek to submit a representation before the concerned authority being the 2nd respondent herein, requesting disposal of the application under Section 28 of the Act of 1894.

Learned counsel for the respondents submits that the petitioners be directed to submit the said representation along with a copy of the application under Section 28A of the Act of 1894 and the writ petition and the 2nd respondent be directed to consider the representation in accordance with law.

In view of the above, the writ petition is disposed of with liberty to the petitioners to submit a comprehensive representation before the 2nd respondent along with a copy of the application under Section 28A of the Act of 1894 and the writ petition within two weeks from date. The 2nd respondent is directed to consider and dispose of the representation within two months from the date of receipt thereof after affording reasonable opportunity of hearing to

all the interested persons including the petitioners, in accordance with law.

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

With the above observations and directions this writ petition is disposed of.

There shall be, however, 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 upon compliance of necessary formalities.

(Suvra Ghosh,J)