

12.12.2023
rc/ct.no.10
Item No.523

WPA No. 12395 of 2023
Surajit Mukhopaddhaya & Ors.
Versus
The State of West Bengal & Ors.

Mr. Tanmay Basu
Mr. Ambika Sasmal
Mr. Subhasjoti Halder ...for the petitioners

Mr. Soumitra Bandyopadhyay
Mr. Priyabrata Batabyal ...for the State

Affidavit of service filed in Court is taken on record.

None appears for the Panchayet and the Hospital despite service.

The petitioners claim to be recorded owners of the plot in question and complain that the 13 respondent, being the Biswanathpur Gramin Hospital, Deganga Block has encroached upon a portion of their land though the said land was never acquired by due process of law, far less any compensation paid to the petitioners. The petitioners submitted a representation in this regard before the concerned authority on July 10, 2019 pursuant to which the Joint Secretary, Government of West Bengal, by a letter issued on February 07, 2020 to the District Magistrate, North 24 Parganas requested the latter to cause an enquiry into the matter relating to the status of the petitioners in the land. An enquiry appears to have been held and by a letter dated December 10, 2020, the Block Land and Land Reforms Officer, Deganga, North 24 –

Parganas informed the Additional District Magistrate and District Land and Land Reforms Officer, North 24-Parganas that the petitioners/ their predecessors-in-interest have been recorded as raiyats in respect of the plot in question.

Learned counsel for the State respondents produces notices issued by the Chief Medical Officer of Health, North 24-Parganas on June 12, 2023 and June 16, 2023 which demonstrate that the matter is under consideration of the authority. Learned counsel submits that the concerned authority being the 5th respondent herein be directed to deal with the issue in accordance with law.

In view of the above, the writ petition is disposed of directing the 5th respondent to consider and dispose the representation submitted by the petitioners on July 10, 2019 within six weeks from the date of communication of this order upon affording reasonable opportunity of hearing to all concerned including the petitioners, in accordance with law.

In the event the representation is decided in favour of the petitioners, compensation be disbursed in their favour by the authority within eight weeks thereafter.

With the above observations and directions this writ petition 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 upon compliance of necessary formalities.

(Suvra Ghosh,J)