

September 8, 2023
ARDR (15)

WPA 14272 of 2023

Swapan Kumar Sutradhar & ors.
Vs.
The State of West Bengal & ors.

Adv. Ambu Bindu Chakraborty,
Adv. Amit Ghosh,
...for the petitioners.
Adv. Soumitra Bandyopadhyay,
Adv. Priyabrata Batabyal,
...for the State.

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

Written instructions submitted on behalf of the respondents is also taken on record.

It is submitted on behalf of the petitioners that the land of the petitioners was acquired by the respondents vide L.A. case no. 12 of 1991-1992. In reply to an application made by the petitioners under the Right to Information Act, 2005, the petitioners were informed that the award was determined in favour of their predecessors-in-interest. The petitioners submitted a representation before the concerned authority on May 15, 2003 seeking compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The said representation is yet to be considered. The petitioners pray for a direction upon the authority to consider the said representation at the earliest and take necessary steps for payment of compensation in their favour in terms of the Act of 2013.

Placing reliance on the written instructions submitted on behalf of the respondents, learned counsel for the respondents submits that the compensation has been paid to the predecessor-in-interest of the 1st petitioner by cheque and compensation declared in favour of other petitioners is lying with the authority and may be collected by the petitioners upon substantiating their rights in respect of the same. Learned counsel further submits that the present case was initiated under the Act II of 1948 and therefore, the Act of 2013 is not applicable herein.

Be that as it may, since the representation is pending before the authority, the writ petition is disposed of directing the 4th respondent to consider and dispose of the representation submitted by the petitioners within six weeks from the date of communication of this order upon affording reasonable opportunity of hearing to all the interested persons including the petitioners, in accordance with law.

The petitioners are at liberty to place all relevant documents before the concerned authority at the time of hearing to substantiate their respective claims.

In the event the petitioners are found entitled to compensation, such compensation be disbursed in their favour within a month thereafter.

With the above observations and directions this writ petition being WPA No. 14272 of 2023 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.)