

WPA 14423 of 2022

Ardhendu Kar & anr.
Vs.
The State of West Bengal & ors.

Adv. Sobhan Majumder,
Adv. Kalpita Paul,

...for the petitioners.

Adv. Chandi Charan De,
Adv. Reshmi Rahman,

...for the State.

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

It is submitted on behalf of the petitioners that the original owner of the plots in question Indubala Kar, since deceased, acquired the same by virtue of a deed of gift executed in her favour on 31st July, 1947 as well as by virtue of purchase in the same year. The said plots were declared as vested under Section 14T(3) of the West Bengal Land Reforms Act in connection with 7AA proceedings and such vesting was subsequently set aside and the plots in question were allowed to be retained by the *raiyat*. The petitioners, being the legal heirs of the original owner, have inherited the property after her demise. The petitioners complain that the Public Health Engineering Department has affixed a notice in the land stating that the land belongs to the said department and shall be utilised for the purpose of surface water supply scheme. Possession of the land has been taken over by the said department though the plots have not been acquired in accordance with law.

The petitioners submitted a representation before the concerned authority on 31st May, 2022 ventilating their grievance which is yet to be considered. The petitioners pray for a direction upon the authority to consider the representation at the earliest.

It is submitted on behalf of the respondents that the 5th respondent be directed to consider the representation in accordance with law.

In view of the above, the writ petition is disposed of directing the 5th respondent to consider and dispose of the representation submitted by the petitioners dated 31st May, 2022 within one month from the date of communication of this order in the light of the observation made in the order passed on 29th July, 1994 in B.R. case no. 31 of 1990 passed by the Block Land & Land Reforms Officer, Nandigram-II and upon affording reasonable opportunity of hearing to all the stakeholders including the petitioners, in accordance with law.

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

Pending disposal of the representation no further step shall be taken by the respondents in respect of the plots in question.

With the aforesaid directions, WPA 14423 of 2022 is disposed of.

There shall however, be no order as to costs.

Since no affidavit in opposition 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.)