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jdt.

16.01.2023
jb.

W.P.A. 14542 of 2022
(Chanchal Das @ Chanchal Kumar Das vs. State of West Bengal & Ors.)

Mr. Ujjal Ray
.... For the Petitioner
Mr. Soumitra Bandyopadhyay
Mr. Priyabrata Batabyal
.... For the State

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

None appears for the 11th respondent despite service.

Supplementary affidavit submitted on behalf of the petitioner is taken on record.

On prayer of the petitioner liberty is granted to expunge the name of the 9th respondent from the cause title of the writ petition. The cause title be amended accordingly.

The petitioner claims to be a co-sharer of the plot in question which was acquired by the Railway Authorities for construction of Eastern Dedicated Freight Corridor vide L.A. case No. EDFCP-1/DFCC/2011-2012. Notice under Section 20(H)(2) of the Railways (Amendment) Act, 2008 was served upon the petitioner on 11th September, 2018 which records value of structure and trees in the plot in question as nil, thereby indicating that there was no structure or tree in the said plot. Strangely, notice was issued to the

petitioner by the Deputy Project Manager, DFCCIL, Bardhaman on 8th April, 2022 requesting him to vacate the acquired land and structure within 90 days from the date of issuance of the notice, failing which the structure would be demolished by the authority. The petitioner submitted a representation before the concerned authority on 6th October, 2018 for enhancement of the compensation in respect of the land in question and also for payment of compensation for the structures and trees standing thereon. During pendency of the representation, the amount indicated in the payment notice was deposited in the bank account of the petitioner by the concerned authority. The representation is yet to be considered.

It is submitted on behalf of the State respondents that the concerned authority be directed to consider the representation submitted by the petitioner, in accordance with law.

In view of the above, the writ petition is disposed of directing the 6th respondent to consider and dispose of the representation submitted by the petitioner dated 6th October, 2018 within two months from the date of communication of this order upon affording reasonable opportunity of hearing to all the interested persons including the petitioner, in accordance with law.

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

The writ petition is thus disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)