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jdt.

05.04.2023
jb.

W.P.A. 14604 of 2022
Sibnarayan Mallik & Ors.
vs.
State of West Bengal & Ors.

Mr. Bhaskar Chandra Manna
.... For the Petitioners

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

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

None appears for the 7th respondent despite service.

The petitioners claim to be recorded owners of the plot in question and submit that though the plots have been acquired by the State respondents for construction of embankment in the Aila affected Surdarbans area, no compensation has been paid to the petitioners for the same. The petitioners submitted a representation in this regard before the concerned authority on 10th May, 2022 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 State respondents that the petitioners claim to be recorded owners of the plots in J. L. No. 43 whereas the notification under

Section 4(1) of the Land Acquisition Act, 1894 indicates that plots in J. L. No. 42 have been acquired for the purpose.

Be that as it, may since the representation submitted on behalf of the petitioners is pending before the authority, the authority be directed to consider the same, in accordance with law and also deal with the issue raised by the respondents herein.

The writ petition is accordingly disposed of directing the 3rd respondent to consider and dispose of the representation submitted by the petitioners dated 10th May, 2022 within two months 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. In dealing with the representation, the concerned authority shall also deal with the anomaly raised by the State respondents before this Court.

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

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.)