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jdt.

26.06.2023
jb.

W.P.A. 14257 of 2018
(Sri Bholanath Mukhrjee & Anr. vs. State of West Bengal & Ors.)

Mr. Mukteswar Maity
Mr. Prabir Bej
Mr. Pranab Kr. Das
.... For the Petitioners

Mr. Soumitra Bandyopadhyay
.... For the State

Affidavit-in-opposition filed on behalf of the respondents is taken on record. The petitioners do not intend to use an affidavit-in-reply to the affidavit-in-opposition.

Heard learned counsels for the parties.

The petitioners are aggrieved by the order passed by the Additional Land Acquisition Officer (Squad I), Purba Bardhaman on 25th September, 2017 rejecting their application under Section 18/30 of the Land Acquisition Act, 1894 without giving an opportunity of hearing to the petitioners. The petitioners seek an opportunity of hearing before the concerned authority in consideration of their application.

It is evident from the order impugned passed on 25th September, 2017 that no opportunity of hearing was granted to the petitioners in disposing of the

application submitted by them on 6th January, 2017 under Section 18/30 of the Act of 1894.

It is submitted on behalf of the respondents that the application filed by the petitioners is not maintainable since the plots mentioned therein are vested to the State. Learned counsel for the petitioners denies and disputes such contention of the respondents.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that since the petitioners were deprived of an opportunity of hearing before the authority while passing the order impugned, the concerned authority be directed to revisit the application filed by the petitioners in accordance with law upon granting reasonable opportunity to the petitioners to substantiate their claim as made out in the application.

Since the plot in question falls within the jurisdiction of Paschim Burdwan at present, liberty is granted to the petitioners to implead the Additional District Magistrate & Land Acquisition Collector, Asansol, Paschim Burdwan as respondent No. 5 in the writ petition. Cause title of the writ petition be amended accordingly.

The order impugned passed on 25th September, 2017 by the Additional Land Acquisition Officer, (Squad I), Purba Bardhaman is accordingly set aside.

The 5th respondent is directed to consider and dispose of the application submitted by the petitioners dated 6th January, 2017 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.

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

The writ petition is thus disposed of.

There shall be no order as to costs.

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

(Suvra Ghosh, J.)