

September 13, 2023
ARDR (21)

WPA 14935 of 2023

Fatema Bibi
Vs.
The State of West Bengal & ors.

Adv. Tushar Kanti Mukherjee,
...for the petitioner.
Adv. Chandi Charan De,
Adv. Anirban Sarkar,
Adv. S.K. Halder,
...for the State.

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

The petitioner claims to be the recorded owner of the plot in question and complains that the Public Works Department, West Bengal has encroached upon seven decimals of land for construction of Bhaduria Bazar Road. No acquisition proceeding was initiated, far less any compensation paid for the same. The petitioner submitted a representation before the concerned authority in this regard on 14th February, 2023 which is yet to be considered. The petitioner prays for a direction upon the authority to consider the representation at the earliest.

It is submitted on behalf of the respondents that the 6th respondent be directed to consider the representation in accordance with law in order to ascertain whether the plot of the petitioner or any portion thereof has been encroached upon by the department.

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 14th

February, 2023 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 6th respondent is directed to ascertain whether any encroachment was made by the Public Works Department upon the petitioner's land or any portion thereof. In the event such encroachment is detected, the 6th respondent shall take necessary steps for initiating acquisition proceeding for acquiring the land in terms of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

With the aforesaid observations and directions, the writ petition, being WPA 14935 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.)