

February 10, 2023

ARDR
(3)

WPA 14736 of 2018

Panchanan Sardar & Ors.

Vs.

The State of West Bengal & Ors.

Adv. Debabrata Karan,
Adv. Sabita Khutia (Bhunya),
Adv. Debopriya Karan,

...for the petitioners.

Adv. Partha Pratim Roy,
Adv. Ram Chandra Guchait,

...for the State.

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

Heard learned counsels for the parties.

The petitioners claim to be recorded owners of the plots of land in question and submit that in the process of construction of ring *bandh*, the State respondents have utilised a portion of their land without acquiring the same and, therefore, no compensation has been paid to the petitioners. The petitioners seek to submit a comprehensive representation before the concerned authority in this regard and further pray for a direction upon the authority to cause physical verification of the plots in question in order to ascertain the portion of the petitioners' plots, if any, utilised for construction of the embankment.

It is submitted on behalf of the State respondents that the 2nd respondent be directed to deal with the representation in accordance with law.

In view of the above, the writ petition, being WPA 14736 of 2018 is disposed of with liberty to the petitioners to submit a comprehensive representation before the 2nd respondent within two weeks from date. The 2nd respondent is directed to consider and dispose of the representation within two months from the date of receipt thereof upon affording reasonable opportunity of hearing to all the interested persons including the petitioners, in accordance with law.

In considering the representation submitted by the petitioners, the 2nd respondent should take necessary steps for physical verification of the plots in question in order to ascertain whether the plots or any portion thereof have been utilised by the State respondents for construction of embankment. Such physical verification be made in presence of the petitioners or their authorised representatives at the earliest.

The decision taken by the authority shall be communicated to the petitioner with a week thereafter.

However, there shall be 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 supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)