

August 16, 2023
(43) ARDR

WPA 17604 of 2023

Susanta Nandy & ors.
Vs.
The State of West Bengal & ors.

Adv. Atanu Biswas,
Adv. Bikram Basak,

...for the petitioners.

Adv. Supratim Dhar,
Adv. Mousumi Banerjee,

...for the State.

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

Heard learned counsels for the parties.

The petitioners claim to be the recorded owners of the plots in question and submits that the plots were requisitioned in 1980 under Rule 75A of the Defence of India Rules made under the Defence of India Act, 1939 for the purpose of securing the defence of India/Public Safety/Maintenance of Public Order/Efficient prosecution of war/Maintaining supply and services essential to the life of the community. Subsequently the requisition continued under the West Bengal Requisitioned Land (Continuance of Power) Act, 1951 which is not holding the field at present. A notice under Section 5(1) of the said Act was served upon the predecessor-in-interest of the petitioners on 19th June, 1980 calling upon him to show cause as to why the land shall not be acquired. In reply to the said notice, the said predecessor requested payment of adequate compensation in respect of the land.

Learned counsel for the petitioners submits that since the process of acquisition of land has not been completed till date though possession of the land was taken long back, the petitioners submitted a representation before the concerned authority on 29th November, 2022 seeking de-requisition of the land. The representation 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 respondents that the 4th respondent be directed to consider the representation in presence of the 6th respondent in accordance with law.

In view of the above, the writ petition is disposed of directing the 4th respondent to consider and dispose of the representation submitted by the petitioners dated 29th November, 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 and the 6th respondent, in accordance with law.

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

With the aforesaid directions, the writ petition, being WPA 17604 of 2023 is disposed of.

There shall however, 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 furnished to the parties on usual undertakings.

(Suvra Ghosh, J.)