

WPA 18736 of 2022

Bhairab Mahato & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Parth Pratim Roy
Mr. Sougata Mitra
Ms. A. Dey
Ms. S. Chakraborty ...for the petitioners.

Mr. Chandi Charan De
Mr. A. Sarkar ...for the State.

Mr. D. N. Chatterjee
Mr. Madhusudan Mandal
...for the respondent Nos.4 to 18.

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

On prayer of the petitioners liberty is granted to implead the Additional District Magistrate and District Land and Land Reforms Officer, Purulia as respondent No.19 in the writ petition. The cause title of the writ petition be amended accordingly.

Heard learned counsels for the parties.

It is not in dispute that the plot in question has been acquired by the National Highways Authority of India and possession of the plot has been handed over to the requiring body.

The petitioners claim to be the recorded owners of the said plot and have submitted a representation in this regard before the concerned authority on 11th July, 2022 seeking compensation in lieu of such acquisition, which is

yet to be considered. The petitioners pray for a direction upon the concerned authority to consider the representation at the earliest.

Learned counsel for the private respondents submits that the private respondents have acquired title in respect of the plot in question by virtue of purchase from the predecessor-in-interest of the petitioners.

It is submitted on behalf of the State respondents that the 19th respondent be directed to consider the representation, in accordance with law.

In view of the above, this Court is inclined to hold that since there is a dispute with regard to the title in respect of the plot in question between the petitioners and the private respondents and a representation submitted by the petitioners before the concerned authority is pending, the concerned authority, being the 19th respondent herein be directed to consider the representation within a stipulated time frame.

Accordingly, the writ petition is disposed of directing the 19th respondent to consider and dispose of the representation submitted by the petitioners dated 11th July, 2022 within a period of 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 private respondents, in accordance with law.

Both the petitioners and the private respondents shall be at liberty to place relevant documents before the concerned authority in support of their respective claims.

It is made clear that this Court has not gone into the merits of the case and the concerned authority shall be at liberty to deal with the representation independently upon consideration of all the documents placed before him as well as upon hearing both the parties and without being influenced by any observation that may have been made in this order.

The concerned authority is further directed to take all necessary consequential steps upon disposal of the representation.

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

With the above observations and directions this writ petition being WPA 18736 of 2022 is disposed of.

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.)