

13.06.2023
rc/ct.no.10
Item No.02

WPA No. 17958 of 2019
with
CAN NO. 1 OF 2021
Sri Sachiranjan Debsarma & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Supratick Shyamal
Mrs. S. Dutta ...for the Petitioners

Mr. Chandi Charan De
Mr. Anirban Sarkarfor the State

Re : CAN No. 1 of 2021

This is an application for restoration of the writ petition which was dismissed for default by an order dated March 11, 2019.

Sufficient grounds being made out by the petitioners as to their non-appearance on the relevant date, CAN No. 1 of 2021 is allowed.

Learned counsel appearing on behalf of the State-respondents also raises no objection to this application.

The order dated March 11, 2019 is recalled/set aside.

WPA No. 17958 of 2019 is restored to its file and number.

CAN No. 1 of 2021 is disposed of accordingly.

Re : WPA No. 17958 of 2019

By consent of the parties the writ petition is taken up for consideration.

It is contended on behalf of the petitioners that the land of the petitioners was utilised for construction of PWD building but no compensation has been paid to the petitioners for the same. The petitioners submitted a representation before the concerned authority in this regard on July 12, 2019 which was forwarded by the Superintending Engineer, Southern Highway Circle, PW (Roads) Directorate to the Executive Engineer, Diamond Harbour Highway Division, PW (Roads) Directorate by a letter issued on July 22, 2019. The petitioners pray for consideration of their representation and payment of compensation in their favour.

It is submitted on behalf of the respondents that the Executive Engineer, Diamond Harbour Highway Division, PW (Roads) Directorate, being the 5th respondent herein, be directed to consider the representation in accordance with law.

In view of the above, this Court is inclined to hold that since the representation submitted by the petitioners has been forwarded to the 5th respondent for consideration, the 5th respondent is directed to consider and dispose of the same within one month 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 decision taken by the authority shall be communicated to the petitioner within a week thereof.

With the above observations and directions this writ petition 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)