

March 22, 2023
ARDR

WPA 21304 of 2017

Taimur Hossain & anr.

Vs.

The State of West Bengal & Ors.

Adv. Subrata Ghosh,
Adv. Pratyush Ghosh,

...for the petitioners.

Adv. Susovan Sengupta,
Adv. Subir Pal,

...for the State.

Heard learned counsels for the parties.

It is contended on behalf of the petitioners that the land belonging to the petitioners was acquired by the respondents and compensation in respect of the land as well as structures standing thereon was paid to the petitioners in 2013 and 2016 respectively. A notice dated 4th April, 2016 was served upon the petitioners by the L.A. Collector, Murshidabad directing refund of the amount paid to them in respect of the structures on the ground that the said structure was not owned or constructed by them.

Learned counsel for the petitioners draws the attention of the Court to page 12 of the report in the form of affidavit submitted on behalf of the State respondents and submits that one Bappa Mia who has been granted compensation in regard to acquisition of his land and structure made an objection before the concerned authority claiming to be the owner of the structure in the

plot of the petitioners. According to the petitioners, the notice impugned dated 4th April, 2016 was issued by the authority at the behest of the Bappa Mia.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that since the dispute between the petitioners and Bappa Mia involves several factual aspects which the writ Court cannot go into, the writ petition may be disposed of with a direction upon the concerned authority to deal with the issue in presence of all the stakeholders including Bappa Mia and upon consideration of the documents placed by them before the authority.

It appears that the petitioners have submitted a reply before the concerned authority on 7th April, 2016 to the letter impugned.

In view of the above, the writ petition is disposed of directing the Special Land Acquisition Officer, Murshidabad, being the 5th respondent herein, to consider and dispose of the reply submitted on behalf of the petitioners dated 7th April, 2016 within one month from the date of communication of this order upon affording reasonable opportunity of hearing to all the stakeholders including the petitioners and Bappa Mia and upon consideration of all the relevant documents placed by them before the authority, in accordance with law.

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

With the above observations and directions, the writ petition being WPA 21304 of 2017 is disposed of.

There shall however, be no order as to costs.

Since no affidavit in opposition 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.)