

WPA 20788 of 2019

Sumanta Das
Vs.
The Union of India & Ors.

Adv. Tarun Das Samanta,
Adv. Piyali Mukherjee,

...for the petitioner.

Adv. Manika Roy,
Adv. Sreya Sen,

...for the NHAI.

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

On payer of the petitioner, liberty is granted to implead the Special Land Acquisition Officer, Barasat, North 24 Parganas as respondent no. 12 in the writ petition.

The cause title of the writ petition be amended accordingly.

None appears for the State respondents and the private respondents despite service.

Mr. Chandi Charan De, who usually appears for the State and is present in Court today, is requested to represent the State in this matter.

His appointment be regularised by the office of the learned Legal Remembrancer.

The petitioners are directed to serve copy of the writ petition along with annexures thereto upon Mr. De in course of this day.

The petitioner claims to be the recorded owner of the plot in question and submits that though the said plot has been acquired by the State respondents, compensation for the same has been paid to the private respondents who have no right, title or interest in respect of the said plot. The petitioner has been deprived of his legitimate claim of compensation in lieu of the acquisition. The petitioner submitted representations in this regard before the concerned authority ventilating his grievance on 8th September, 2015 and 16th October, 2016 respectively which are yet to be considered. The petitioner prays for a direction to consider the representations at the earliest.

It is submitted on behalf of the State respondents that the 12th respondent be directed to consider the representations in accordance with law.

In view of the above, the writ petition is disposed of directing the 12th respondent to consider and dispose of the representations submitted by the petitioner dated 8th September, 2015 and 16th October, 2016 respectively within two months from the date of communication of this order upon affording reasonable opportunity of hearing to all the interested persons including the petitioner and the private respondents, in accordance with law.

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

Pending disposal of the representations, no further amount of compensation in respect of the plot in question shall be disbursed to any person by the concerned authority.

With the aforesaid directions, WPA 20788 of 2019 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.)