

October 05, 2023
(21) ARDR

WPA 11746 of 2020

Nurul Islam & anr.
Vs.
The State of West Bengal & Ors.

Adv. Partha Pratim Roy,
Adv. Anirban Das,
...for petitioners.
Adv. Chandi Charan De,
Adv. Anirban Sarkar,
...for the State.

Heard learned counsels for the parties.

It is not in dispute that the plot in question was requisitioned from the erstwhile owner Bidyut Probha Ghosh under the Defence of India Act, 1939 and the name of the said owner is recorded in the R.S. as well as L.R. record of rights.

Learned counsel for the petitioners submits that though publication for acquisition of the land under Section 5(1) of the Continuation Act, 1947 was made by the State, the said acquisition lapsed with the Act itself. The petitioners seek de-requisition of the plot in question or in the alternative, compensation in accordance with law. The petitioners seeks to submit a comprehensive representation in this regard before the concerned authority and prays for a direction upon the authority to consider the representation at the earliest.

It is submitted on behalf of the respondents that the 2nd respondent be directed to consider the representation in accordance with law.

In view of the above, the writ petition is disposed with liberty to the petitioners to submit a comprehensive representation before the 2nd respondent within two weeks after the annual vacation. The 2nd respondent is directed to consider and dispose of the representation within two months from the date of receipt thereof upon affording reasonable opportunity of hearing to all concerned including the petitioners, in accordance with law.

In the event the representation is decided in favour of the petitioners, necessary consequential steps be taken by the authority at the earliest.

With the aforesaid observations and directions, the writ petition, being WPA 11746 of 2020 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.)