

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction
Appellate Side**

WPA 394 of 2021

**Baburam Das
-versus-
Union of India and Ors.**

Mr. Arnab Saha
Mr. Subhasish Misra

... for the petitioner.

Mr. Sudipto Kumar Mazumder
Mr. Sourab Kar

... for the Union of India.

Mr. Bikramaditya Ghosh
Ms. Bedashruti Bose

... for the State.

Ms. Supriya Singh

... for the National Highway Authority of India

Counsel for the respective parties are
present.

The petitioner has filed the present writ application challenging the order passed by the Special Land Acquisition Officer, Cooch Behar dated 29th January, 2019 wherein the Special Land Acquisition Officer has passed the said order in compliance of the order passed by this Court in earlier proceeding in WP 9158 (W) of 2017 dated 30.08.2017. While considering the representation of the petitioner, the Special

Land Acquisition Officer, Cooch Behar finds as follows :

“Circumstanced as above bona fide of patta allegedly issued in favour of Baburam Das and LR Khatian framed in his favour on the basis of the said patta has been vehemently challenged on behalf of the school authority during hearing at the table of Addl. Land Acquisition Officer Entire matter has been placed before the Addl. District Magistrate and District Land & Land Reforms Officer, Cooch Behar, who is in turn, has been pleased to initiate an enquiry process into the matter which still lies pending.

So, the decision as regards LA Compensation, to whom it is payable or whether it is payable at all etc. is subject to the decision of the aforesaid enquiry process which still lies pending. The writ petitioner Baburam Das was informed accordingly during hearing in this context at the table of concerned Addl. Land Acquisition Officer. But he choose to move before the Ld. High Court.”

This Court finds that the petitioner instead of approaching the Additional District Magistrate and District Land and Land Reforms Officer, Cooch Behar before whom the enquiry process is pending, the petitioner has filed the present writ application. By an order dated 16th March, 2021, this Court held that writ petition is to be disposed of after exchange of affidavits

but till date no affidavit has been filed by any of the respondents. As two years have passed, no affidavit has been filed, this Court finds that the respondents are not intended to file affidavit.

Accordingly, WPA No. 394 of 2021 is disposed of by directing the Additional District Magistrate and District Land and Land Reforms Officer, Cooch Behar to dispose of the proceeding pending before him by giving an opportunity of hearing to the petitioner and other affected persons, if any, within a period of eight weeks from the date of communication of this order.

The petitioner is given liberty to submit the grievance before the Additional District Magistrate and District Land and Land Reforms Officer, Cooch Behar, if any, within a period of a week from date.

The Additional District Magistrate and District Land and Land Reforms Officer is directed to communicate his decision within a week thereafter to the petitioner.

WPA No. 394 of 2021 is thus disposed of.

(Krishna Rao, J.)