

Form J(2)

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

WPA 1915 of 2022

**Saraju Das & Ors.
-Versus-
State of West Begal & Ors.**

For the Petitioners : Mr. Mohinoor Rahaman

For the respondent : Mr. Amit Kumar Nag

**For the State : Mr. Bikramaditya Ghosh,
Mr. Pretom Das**

Heard & Judgment On : 6th February, 2023.

Bibek Chaudhuri, J.

Affidavit-of-service filed in Court today be kept with the record.

Plot no. 1050 and 1051 appertaining to Khatian No. 2689 of Mouza – Chakchaka within P.S.-Pundibari, Dist.-Cooch Behar was acquired by the State of West Bengal and transferred to the West Bengal Industrial Infrastructure Development Corporation without giving any notice under Section 4 of the West Bengal Land (Requisition and Acquisition) Act, 1948 and without payment of any compensation to the recorded raiyats.

It is the case of the petitioner that one Kalpana Das was the recorded raiyat in respect of the above-mentioned land. She died leaving behind seven legal heirs and successors. The above plots in question according to the respective shares were recorded in the names of the legal heirs and successors of the said Kalpana Das. Subsequently, the Land and Land Reforms Department vide notification no. 5497 dated 27th August, 1984 acquired the said lands along with other lands with effect from 4th February, 1987 without giving any opportunity to the petitioners by serving notice upon them and without payment of any compensation.

The petitioners submitted a representation alleging the said fact to the District Magistrate-cum-Land Collector, Cooch Behar on 20th May, 2022. The petitioners have prayed for consideration of representation in accordance with law.

The instant writ petition is disposed of directing the District Magistrate, Cooch Behar, respondent no. 2 herein and Special Land Acquisition Officer, Cooch Behar, respondent no. 3 to consider the representation filed by the petitioners on 24th May, 2022 in accordance with law after giving opportunity to the petitioners or their authorized representatives of being heard. Entire exercise shall be concluded within four months from the date of communication of this order.

The instant writ petition is, thus, disposed of on contest, however, without cost.

The parties are at liberty to act on the server copy of the order.

(Bibek Chaudhuri, J.)

Srimanta, A.R.(Ct.)
Item No. 10.