

October 09, 2023
ARDR (25)

WPA 1902 of 2023

Nitai Sarkar @Nityananda Sarkar & ors.
Vs.
The District Magistrate and Collector, Coochbehar & Ors.
Adv. Debabrata Dhar,
...for the petitioners.
Adv. Hirak Barman,
Adv. Pretom Das,
...for the State.

The writ petitioners have filed this writ petition seeking actual payment of compensation amount towards acquisition of their 14 Bighas of land comprising in Mouza Kalarayet Kuthi, J.L. no. 9 within the sheet nos. 4,5 and 6 Police Station previously Kotwali and now Pundibari, District Coochbehar, West Bengal and J. L. no. 3 at Mouza Sajherpar Ghoramara, Police Station and District Coochbehar. To that effect they have already made representation before the appropriate authority appended with the writ petition as Annexure P, but the said representation has not been considered by the respondent authorities. It is submits that a direction may be given to consider the said representation upon giving hearing the petitioners through their learned advocate in accordance with law.

On the other hand, learned advocate appearing for the State respondents submits that the writ petitioners have not made any application under Section 18 of the West Bengal Land (Requisition and Acquisition) Act,

1948; therefore, the writ petition is not maintainable may be dismissed in limine.

Having heard the submission made on behalf of the parties and on perusal of the records, it appears that the writ petitioners have already made a representation giving entire details to the respondents. However, no such representation was considered or disposed of by the respondents.

Accordingly, a direction is given to the respondent no.3 to consider the representation, which is already annexed with the writ petition being Annexure P-3 after giving opportunity of hearing to the petitioners through their learned advocate within a period of eight weeks, and give reason order to that effect and communicate the same to the writ petitioners upon receipt of the communication of the order. The writ petitioners are directed to communicate this order as well as a copy of the writ petition with all annexures to the respondent no.3.

With the above observation and direction the writ petition thus, disposed of.

There shall be, however, no order as to costs.

Since no affidavit exchanged between the parties the allegations contained in the writ petition are deemed not to have been admitted by the respondents.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Ajay Kumar Gupta, J.)