

25.01.2024

Ct. no.654

Sl. No83

ss

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)

W.P.A. 2594 of 2023

Badal Majhi
Vs.
The Union of India & ors.

Mr. Sankar Nath Mukherjee

Mr. Niraj Gupta

... for the petitioner

Mr. Rama Ghosh Dasrtidar

... for the Union of India

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

This writ petition has been filed under Article 226 of the Constitution of India for considering the representation of the petitioner made through learned Advocate dated 6th December, 2022.

Mr. Sankar Nath Mukherjee, learned Advocate for the petitioner submits that notice was issued to the petitioner along with others on 9th February, 2022 by the Additional Land Acquisition Officer, Purulia for acquisition of land within plot nos.580, 581 and 582 within Mouza-Berma under Section 3 of the National Highways Act, 1956. The petitioner in compliance to such notice appeared before the concerned authority but till date no communication has been made to the petitioner regarding the result of such hearing. He seeks that the

representation of the petitioner made through his learned Advocate dated 6th December, 2022 be considered.

None appears on behalf of the State-respondents. Mr. Priyabrata Batabyal, learned Advocate who usually appears on behalf of the State-respondent is requested to appear in this matter. Let the appointment of Mr. Priyabrata Batabyal, learned Advocate be regularised by the concerned authority.

None appears on behalf of the N.H.A.I.

Mr. Priyabrata Batabyal as well as Ms. Rama Ghosh Dostidar, learned Advocates for the State-respondents and Union of India respectively submit that the Additional District Magistrate (Land Acquisition Officer), Purulia being respondent no.7 be directed to consider the representation made by the petitioner through his learned Advocate dated 6th December, 2022.

Having heard the learned Advocates for the parties, the respondent no.7 being the Additional District Magistrate (Land Acquisition Officer), Purulia is directed to consider the grievance of the petitioner raised through Advocate's letter dated 6th December, 2022 within a period of two months from the date of communication of this order after giving an opportunity of hearing to all the interested parties including the petitioner and shall communicate the result of such disposal to the petitioner within a week thereof.

Petitioner is directed to communicate this order to the respondent no.7, Additional District Magistrate (Land Acquisition Officer), Purulia.

Since no affidavit-in-opposition is called for, all allegations made in the writ petition are deemed to be not admitted.

It is made clear that this Court has not gone into the merits of this case.

In light of the above observations, the writ petition being **W.P.A. 2594 of 2023** stands disposed of.

All connected applications, if any, stand dismissed.

Interim order, if any, stands vacated.

There shall be no order as to costs.

All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

Urgent photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)