

28.02.2024

Ct. no.654

Sl. No.170

SS

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION**

**WPA 5101 of 2023
(specially assigned)**

**Asit Baran Utthasanee
Vs.
State of West Bengal & Ors.**

Mr. Mahendra Prasad Gupta
Mr. Asit Kumar De
..for the petitioner

Mr. Chandi Charan De, Ld. AGP
Mr. Anirban Sarkar
... for the State

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

The petitioner in the present writ petition prays for consideration of his representation dated 10th January, 2023 by respondent no.3, Land Acquisition Collector, Purba Medinipur.

The petitioner contends *inter alia* that an acquisition notice was published on 25th July, 1946 in Calcutta Gazette for acquisitioning 100 ft. land of both sides for widening Contai-Belda Road and accordingly, demarcation was made taking 100 ft. in both sides of the said road. Subsequent thereto, restoration notice was also issued being Misc. Case No.78 of 1953-54 (PWLA Case No.3 of 1946-1947) after preparation of final map. After issuance of the derequisition notice it was informed by the Land Acquisition Officer for execution of deed of return of the excess land. Since deed of return in respect

of excess land was not executed, the petitioner made representation before the respondent no.3, the Land Acquisition Collector, Purba Medinipur for redressal of his grievance. However, the same has not been considered till date.

Mr. Asit Kumar De, learned Advocate for the petitioner seeks for direction upon the respondent no.3, the Land Acquisition Collector, Purba Medinipur, to consider the representation of the petitioner dated 10th January, 2023.

Mr. Chandi Charan De, learned Additional Government Pleader appearing on behalf of the State-respondent also submits that a direction may be issued upon the respondent no.3, the Land Acquisition Collector, Purba Medinipur, to consider the representation of the petitioner dated 10th January, 2023.

Upon hearing the learned advocates for respective parties and considering the materials on record, the respondent no.3, the Land Acquisition Collector, Purba Medinipur, is directed to consider and dispose of the representation of the petitioner dated 10th January, 2023 by passing a reasoned order within a period of two months from the date of communication of this order after giving opportunity of hearing to all the concerned parties including the petitioner, in accordance with law.

The result of such disposal be intimated to the petitioner within a week thereof.

The learned advocate-on-record for the petitioner is directed to serve a copy of this order alongwith copy of representation dated 10th January, 2023 upon the respondent no.3, the Land Acquisition Collector, Purba Medinipur.

Since no affidavit has been invited, allegation contained in the writ petition shall be deemed not to have been admitted.

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

With the above directions, this writ petition being **WPA 5101 of 2023** stands disposed of along with all connected applications, if any.

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

Interim order, if any, stands vacated.

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

Urgent photostat copy of this order, if applied for, be given to the parties upon compliance of necessary legal formalities.

(Bivas Pattanayak, J.)