

WPA 4915 of 2022

Smt. Sabita Rani Das & Ors.

Vs.

State of W. B. & Ors.

Mr. Jahar Lal Roy ...for the petitioners.

Mr. Chandi Charan De
Mr. Anirban Sarkar ...for the State.

Sk. Afrojul Haque ...for respondent nos.9.

Heard learned counsels for the parties.

The petitioners have claimed rehabilitation plot to the extent 0.06 acres for each of the petitioners on the ground that after demise of their predecessor-in-interest who was the original owner of the property, each of the petitioners were in possession of separate residential units which were acquired by the respondents.

The petitioners have placed reliance on the letter issued by the Deputy Secretary, Government of West Bengal to the Collector, Medinipur on 20th April, 1993 which demonstrates that persons losing more than 0.03 acres will be allotted a full plot measuring 0.06 acres. Admittedly, the petitioners have been allotted a full plot of 0.06 acres jointly.

Pursuant to an order passed by a co-ordinate Bench of this Court in WP 6517 (W) of 2009 on 23rd August, 2016 allowing the petitioners to file appropriate representations disclosing all documents including the

records available with them relating to the acquisition proceedings in respect of the plot in question before the Chairman, Rehabilitation Advisory Committee, Haldia and directing the Chairman to dispose of the same upon granting opportunity of hearing to the petitioners within a stipulated time frame, the petitioners submitted a representation before the concerned authority which was considered and turned down by the authority by the order impugned dated 5th April, 2017.

The order impugned states that the petitioners' land with one double-storied dwelling house was acquired vide LA case no.12/1996-97 and structure compensation paid to them in 1/7th share each. The order further indicates that there is no separate dwelling house of each of the petitioners in the acquired plot. The total award amount of structure was equally divided among the petitioners. The petitioners are entitled to get 0.06 acres of rehabilitation plot jointly.

The order impugned is a reasoned and speaking order which deliberates upon the submission made on behalf of the petitioners.

The petitioners have not been able to produce any document to suggest that each of them was in possession of a separate residential unit which was acquired by the respondents.

Since the petitioners jointly owned the one double-storied dwelling house in the plot, they are entitled to

rehabilitation plot of 0.06 acres as decided by the authority.

There is no illegality or irregularity in the order impugned which calls for intervention by this Court.

The writ petition being devoid of any merit is liable to be dismissed.

Accordingly, the writ petition is dismissed.

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

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)