

29.07.2024
Sl. No.4(DL)
srm

W.P.A. No. 8381 of 2022

Santiram Mahato

Versus

The State of West Bengal & Ors.

Mr. Saibal Acharya,
Mr. Sukhendu Bikash Mukherjee

...for the Petitioner.

Ms. Jayeeta Sinha,
Mr. Sandip Mandal

...for the State-respondents.

The petitioner has challenged an order passed by the Special Land Acquisition Officer, Purulia dated November 18, 2021. By the said order, the petitioner was informed that the petitioner could not be included in the list of "Exempted Category" under the land loser scheme. The petitioner's name was not recommended by the screening committee in its report dated October 21, 2002. According to the authority, the petitioner did not fulfil the criterion stated in G.O. No.301/EMP/1M-10/2000 dated October 21, 2002.

Learned Advocate for the petitioner submits that a spot enquiry was held as per the notice of the Revenue Inspector. The Block Development Officer, Arsha Development Block submitted a report. From the said report, it would be evident

that the petitioner was living in a *kaccha* dwelling house with no family income. The financial condition was very bad. Accordingly, the petitioner was found to be a deserving candidate.

This order which has been impugned, appears to be contrary to the report prepared by the Block Development Officer, Arsha Development Block.

There is a dispute as to why the screening committee did not recommend the case of the petitioner when the Block Development Officer, upon spot enquiry, had opined otherwise. Such difference of opinion requires a further consideration by the appropriate authority.

It also appears that the order was passed upon placing reliance on a report of the screening committee, but records do not reveal that such report was not handed over to the petitioner. If the authority had deprived the petitioner of a benefit on the basis of a report of enquiry, such report should have been made available to the person affected.

This Court does not express any opinion with regard to the entitlement of the petitioner, but this Court is of the view that the impugned order should have been passed with better reasons. If the authority was of the view that the observations of the screening committee would prevail over the

preliminary findings of the Block Development Officer, the report should have been supplied to the petitioner.

Under such circumstances, the writ petition is disposed of upon setting aside the order dated November 18, 2021 and with a direction upon the District Magistrate and Collector Purulia, to consider the prayer of the petitioner for being included in the list of “Exempted Category” under the land loser scheme. Such consideration will be done upon hearing the petitioner, the concerned Block Development Officer, Arsha Development Block and the Special Land Acquisition Officer, Purulia and the Special Land Acquisition Officer, Purulia. A reasoned order will be passed within a period of three months from the date of communication of this order. Before such decision is taken, a copy of the report of the screening committee must be handed over to the petitioner within two weeks from the petitioner applying for the same before the concerned Special Land Acquisition Officer.

A reasoned order shall be passed and communicated to the petitioner.

There shall be no order as to costs.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)