

07
02.02.2024
Ct. No.10
b.das

WPA 12300 of 2023

Prafulla Samanta

Vs.

The State of W.B. & Ors.

Mr. Bhagbat Chaudhuri

Mr. M.A. Zinna

Mr. S. Mukherjee ...for the petitioner.

Mr. Soumitra Bandyopadhyay

Mr. Srinath Singha Roy ...for the State.

Mr. S. M. Hassan

Ms. A. Yasmin ...for Haldia Municipality.

Exception used by the petitioner to the report in the form of affidavit submitted on behalf of the State respondents is taken on record.

Heard learned counsels for the parties.

It is submitted on behalf of the petitioner that though the petitioner's land was acquired for the purpose of construction of Haldia Dock Complex vide L.A. case no.2 of 1973-74 and compensation paid to him along with issuance of Land Loser's Certificate, no alternative house site was allotted in his favour despite a scheme of the Haldia Municipal Authority in this regard.

The land of the petitioner's son at Mouza-Tentulberia was also acquired by the authority and an alternative plot allotted to him in lieu of the same. The petitioner seeks similar relief in this matter.

Learned counsels for the respondents submit that the findings of the Executive Officer, Haldia Municipality in compliance of the earlier order of this Court was not communicated to the State respondents and the petitioner's request has been placed before the Rehabilitation Advisory Committee for consideration.

By an order passed on November 29, 2022 in WPA 14222 of 2022, this Court directed the concerned authority to dispose of the representation submitted by the petitioner seeking grant of alternative house site as a displaced person, within a stipulated time frame. Pursuant to the said order, the issue was dealt with by the Executive Officer, Haldia Municipality and by an order passed on March 17, 2023, the authority admitted the claim of the petitioner and held that he should have been granted rehabilitation on priority basis by virtue of being a 99 years old freedom fighter. The order also records that the petitioner has been deprived by not being allotted rehabilitation plot till date.

It is not in dispute that the rehabilitation plot granted in favour of the petitioner's son was in connection with Mouza- Tentulberia for acquisition of his land vide L.A. case no.81 of 1997-98 whereas the land of the petitioner in Mouza- Debhog was acquired vide L.A. case no.2 of 1973-74.

Since the concerned authority by the order passed on 17th March, 2023 has accepted the claim of the petitioner

and held that the petitioner is entitled to a rehabilitation plot in terms of the policy of the authority, this Court is inclined to hold that such rehabilitation plot be allotted in favour of the petitioner by the concerned authority, being the 7th respondent herein, at the earliest.

Learned counsel for the State respondents have also submitted that the matter is pending before the 7th respondent for consideration.

In view of the above, the writ petition is disposed of directing the 7th respondent to take necessary steps for allotment of rehabilitation plot in favour of the petitioner in Mouza- Debhog in terms of the order passed by the Executive Officer, Haldia Municipality on 17th March, 2023 within two months from the date of communication of this order, in accordance with law.

Since the 7th respondent is not represented, the petitioner is directed to serve copy of this order along with copy of the writ petition to the said respondent at the earliest.

With the above observations and directions the writ petition is disposed of.

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.)