

39 15.7.2024
Sc Ct. no.2

WPA 15672 OF 2024

Sri Siddeswar Mondal

Vs.

The State of West Bengal & Ors.

Mr. Atanu Biswas
Mr. Mrinal Saha.

....For the Petitioners

Ms. Sonal Sinha
Mr. Avishek Prasad
Ms. Shabnam Farooqui.

....For the State
Respondents

Affidavit-of-service, filed in Court today, is taken on record.

Mr. Atanu Biswas, learned counsel appears for the petitioner.

Ms. Shabnam Farooqui, learned counsel appears for the State respondents.

The petitioner claims resumption of possession of the subject land which was though once under the process of acquisition and acquired but ultimately since compensation was not paid within the statutory time limit, the acquisition process had lost its force. There is no acquisition in respect of the subject land. The payment of rent compensation was made to the owner.

In view of the above, a decision was passed by the respondent no.4 dated **October 4, 2023 at page 118** to the writ petition, which is impugned herein.

On a close scrutiny of the said impugned order it appears to this Court that, the claim of the petitioner for de-requisition of the subject land by the State authority and resumption of possession by the petitioner has been rejected by the respondent no.4 on the plea that, the matter is under active consideration before the alleged acquiring body.

In view of the above, since already a long time has elapsed, the respondent no.4 upon issuing a prior hearing notice of at least **seven days** to the petitioner, the respondent nos.5 and 6 along with any other authority/authorities the respondent no.4 thinks fit and proper and after granting them an opportunity of hearing shall decide the issue by passing a reasoned order in accordance with law.

The entire exercise shall be carried out and completed by the respondent no.4 positively within a period of **eight weeks** from the date of communication of this order. The reasoned decision of the respondent no.4 shall then be communicated to the petitioner, the respondent nos. 5 and 6 and any other authority/authorities positively within a further period of **two weeks** from the date of the said reasoned order to be passed.

It is made clear that, this Court has not gone into the merits of the writ petition and the petitioner shall be at liberty to urge whatever points he wishes to urge in

support of his claim by relying upon whatever records and documents he wishes to rely upon before the respondent no.4.

In the event, the reasoned decision goes in favour of the petitioner, the respondent no.4 and/or any other appropriate authority/authorities shall take all necessary and consequential steps to give an immediate effect to the said reasoned order but positively within a period of ***four weeks*** from the date of the said reasoned order to be passed and communicated to such authority/authorities.

In view of the above, the reasoned order dated ***October 4, 2023*** stands ***set aside and quashed***.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions, this writ petition, ***WPA 15672 of 2024*** stands disposed of, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)