

24.01.2024
rc/ct.no.10
Item No.18

WPA No. 15436 of 2023
Md. Hanif
Versus
The State of West Bengal & Ors.

Mr. N. C. Chatterjee
Mr. Anjan Banerjee ..for the Petitioner

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

It is submitted on behalf of the petitioner that the plot in question was recorded as a vested plot. The petitioner challenged the said vesting order before a coordinate Bench of this Court by a writ petition which being dismissed, the order of dismissal was carried in appeal before the Hon'ble Division Bench of this Court. The Hon'ble Division Bench set aside the vesting order by a judgment dated July 26, 1996 in FMAT No. 1802 of 1992 and directed the State to pay compensation to the petitioner. The State preferred Special Leave Petition before the Hon'ble Supreme Court against the said order which is pending. The Hon'ble Court directed both the parties to maintain status quo regarding possession of the plot.

Learned counsel for the petitioner submits that despite such order, the State respondents have handed over the plot in question to the 5th respondent, upon holding the plot to be vested. The petitioner seeks to submit a comprehensive representation before the concerned authority in this regard annexing all relevant

documents and prays for a direction upon the authority to consider the representation at the earliest.

Learned counsel for the respondents submits that the 5th respondent be directed to consider the representation in accordance with law.

In view of the above, the writ petition is disposed of with liberty to the petitioner to submit a comprehensive representation along with all relevant documents before the 5th respondent within two weeks from date. The 5th respondent is directed to consider and dispose of the representation within six weeks from the date of communication of this order upon affording reasonable opportunity of hearing to all concerned including the petitioner, in accordance with law.

The decision taken by the 5th respondent shall be communicated to the petitioner within a week thereof.

Since the 5th respondent is not represented, the petitioner is directed to serve copy of this order along with a copy of the writ petition to the 5th respondent at the earliest.

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

There shall be, however, 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 furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)