

January 09, 2024
ARDR (499)

WPA 19014 of 2023

Ajman Sikari & anr.
Vs.

The State of West Bengal & ors.

Adv. Debabrata Saha Roy,
Adv. Neil Basu,
Adv. Rahul Gupta,
Adv. Sankha Biswas,

...for the petitioners.

Adv. Chandi Charan De,
Adv. Anirban Sarkar,

...for the State.

Supplementary Affidavit submitted on behalf of the
petitioners is taken on record.

It is not in dispute that upon purchase of a plot of land classified as "*pukur*" in the record of rights, the petitioners have raised construction thereon. In a public interest litigation filed by the vendor of the petitioners being WPA (P) 479 of 2022, the Hon'ble Division Bench allowed the vendor to submit a representation before the concerned authority and further directed the concerned authority to make an enquiry upon receipt of the representation. Notice of hearing under Section 4C(5) of the West Bengal Land Reforms Act, 1955 was issued upon all concerned including the petitioners herein and by an order passed on 2nd June, 2023, the Additional District Magistrate and District Land & Land Reforms Officer, Howrah, directed restoration of the plot in question to its recorded classification. The petitioners

submitted a representation before the concerned authority on 4th July, 2023 admitting their mistake and undertaking to allot an area of 14 decimals recorded in their names for making a compensatory water body in lieu of the plot on which construction was raised by them. The petitioners seek a direction upon the authority to consider the representation at the earliest.

Learned counsel for the respondents submits that the 4th respondent be directed to consider the representation in accordance with law.

In view of the above, the writ petition is disposed of directing the 4th respondent to consider and dispose of the representation submitted by the petitioner dated 4th July, 2023 within one month from the date of communication of this order upon affording reasonable opportunity of hearing to all concerned including the petitioners, in accordance with law.

The decision taken by the authority shall be communicated to the petitioner within a week thereof.

It is made clear that this Court has not gone into the merits of the case and the concerned authority shall be at liberty to deal with the representation in accordance with law without being influenced by any observation which may have been made in this order.

With the aforesaid 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.)