

13.03.2024
jb.

WPA 19676 of 2023
(Sankar Narayan Chattopadhyay & Ors. vs. State of West Bengal & Ors.)

Mr. Partha Pratim Roy
Mr. Dyutiman Banerjee
.... For the Petitioners

Mr. Chandi Charan De
Mr. Sadhan Kr. Halder
.... For the State

Report submitted on behalf of the State respondents is taken on record.

Heard learned counsels for the parties.

It is not in dispute that notification under Section 3(1) of the West Bengal Land (Requisition and Acquisition) Act, 1948 was issued some time in the year 1963 and possession of the land was taken in 1968. Thereafter, notification under Section 4(1)(a) of the Act was published. Award could not be declared due to non-placement of fund by the requiring body and the acquisition proceeding lapsed.

Learned counsel for the petitioners submits that the respondents are trying to utilise the plots in question for the 'Pathasree Scheme' without acquiring the same or compensating the petitioners in lieu

thereof. The petitioners submitted a comprehensive representation before the concerned authority on 17th July, 2023 which is yet to be considered. The petitioners pray for a direction upon the authority to consider the representation at the earliest.

Learned counsel for the respondents submits that the 2nd respondent be directed to consider the representation in accordance with law.

In view of the above, the writ petition is disposed of directing the 2nd respondent to consider and dispose of the representation submitted by the petitioners dated 17th 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 petitioners within a week thereof.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)