

24 24.9.2024
Sc Ct. no.2

WPA 21166 OF 2024

Durga Sankar Ghosh & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Kumar Jyoti Tewari

Mr. Panchanan Hajra

Ms. Rajlakshmi Ghatak.

....For the Petitioners

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

Mr. Kumar Jyoti Tewari, learned counsel appears for the petitioners.

None appears for the State respondents.

The petitioners claim that, the land was requisitioned for a particular project by the State in connection with the **Requisition Case No. I-28/1972-73**. Subsequently, the project has been abandoned. The land has not yet been returned to the petitioners neither the requisition compensation and damages have been assessed, payable to the petitioners in accordance with law.

The petitioners submitted a representation dated **May 20, 2024, Annexure-P4 at page-32** to the writ petition before the respondent no.3, the same has not yet received any attention.

The law is well settled that if a land is requisitioned and is not acquired nor utilized, such land should be returned to the land owners and the consequential requisition compensation and damages, if any, have to be assessed and paid to the land owners in accordance with law.

In view of the above, to sub-serve justice, the petitioners shall serve a copy of the writ petitions once again upon the respondent no.4 within a period of **two weeks** from date.

The respondent no.4 then shall issue a prior notice of hearing of at least **seven days** to the petitioners and any other interested party, if any, and after granting them an opportunity of hearing shall dispose of the said representation dated **May 20, 2024, Annexure-P4 at page-32** to the writ petition 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 receiving a copy of the writ petition along with a copy of today's order from the petitioners.

It is made clear that this Court has not gone into the merits of the claim of the petitioners and the petitioners and such interested party, if any, shall be at liberty to urge whatever points they wish to urge by

relying upon whatever records and documents they wish to rely upon before the respondent no.4.

The respondent no.4 after passing the said reasoned order shall give an immediate effect thereto positively within a further period of **six weeks** from the date of the said reasoned order to be passed and communicated to the petitioners, in accordance with law.

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 21166 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.)