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jdt.

10.04.2024
jb.

W.P.A. 20771 of 2023
Akhil Bharatiya Adivasi Bikash Parishad & Anr.
Vs.
State of West Bengal & Ors.

Mahammad Mahmud
M. S. Mollah

.... For the Petitioners

Ms. Rama Halder
Mr. Anisdatta Sarma

.... For the State

Ms. Mousumi Bhowal

.... For the Respondent No. 10

Affidavit of service filed on behalf of the petitioners is taken on record.

The petitioners seek to erect statues of Sidhu and Kanu, leaders of Santhal Rebellion in a portion of plot no. 3186. The petitioners submitted a representation before the concerned authority in this regard on 22nd May, 2023 which is yet to be considered. The petitioners pray for a direction upon the authority to consider the representation at the earliest.

It is submitted on behalf of the State respondents and the 10th respondent that a gas pipeline is running underneath a portion of the said plot. According to Section 9 of the Petroleum Mineral Pipelines (Acquisition of Right of User in Land) Act, 1962 no structure can be constructed on the land under which any pipeline has been laid. It is not in dispute that pipeline has been laid underneath a portion of the plot in question.

In view of the above, this Court is inclined to hold that since the representation submitted by the petitioners is pending consideration, the concerned authority being the 4th respondent herein be 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 petitioners and the 10th respondent, in accordance with law. Parties are at liberty to produce necessary documents before the authority at the time of hearing.

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

The writ petition is thus disposed of.

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.)