

W.P.A 21462 of 2024

Jagadish Chandra Setua & Ors.
-versus
The State of West Bengal & Ors.

Mr. Saibal Kumar Acharyya
Mr. Pradip Paul
Ms. Renesa Dey
...for the Petitioners

Mr. Chandi Charan De, Ld. Additional
Government Pleader
Mr. Aniban Sarkar
..for the State

Affidavit of service filed in Court is taken on record.

Ms. Renesa Dey, learned counsel led by Mr. Saibal Kumar Acharyya, learned counsel appears for the petitioners.

Mr. Chandi Charan De, learned Additional Government Pleader appears for the State respondents.

Ms. Dey, learned counsel for the petitioners submits that the grievance of the petitioners is that though the land with structure of the petitioners have been acquired for public purpose and the land has been utilized accordingly but the compensation has been paid only in respect of the structures and not in respect of the land.

Referring to a representation dated July 12, 2024 Annexure P-3 at page 36 to the writ petition, learned counsel for the petitioners submits that the same has not yet been considered.

After considering the submissions made on behalf of the parties and upon perusal of the materials on record, the respondent no.2 upon issuing a prior hearing notice of at least seven days to the petitioners and after affording them an opportunity of hearing shall decide the said representation dated July 12, 2024 as referred to above by passing a reasoned order in accordance with law.

The entire exercise shall be carried out and completed by the respondent no.2 within a period of ten weeks from the date of communication of this order. The reasoned order shall be communicated to the petitioners within a period of two weeks from the date of the said reasoned order to be passed.

It is made clear that this Court has not gone into the merits of the claim of the petitioners and the petitioners 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.2 but the same shall not travel beyond the scope of the said representation dated July 12, 2024.

The respondent no.2 and/or appropriate authorities of the State shall give an immediate effect to the reasoned order to be passed in accordance with law but positively within a further period of six weeks from the date of the said reasoned order to be passed.

It is needless to mention that the petitioners shall be entitled to participate in the hearing before the respondent no.2 by themselves and also through their duly authorized representative.

Since the 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 21462 of 2024** stands disposed of, without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously, on compliance of usual legal formalities.

(Aniruddha Roy, J.)