

January 04, 2024
ARDR (12)

WPA 21378 of 2022

Firoj Hossain & ors.

Vs.

The State of West Bengal & ors.

Adv. Pinaki Dhole,
Adv. Rabindr Pathak,

...for the petitioners.

None appears for the respondents. No accommodation is sought.

The petitioners' grievance is that their land has been encroached upon by the personnel of the Border Security Force some time in February, 2015 by fencing the same with iron wire and obstructing the petitioners from entering into the property. On an initiative taken by the Border Security Force 60 B.N. B.S.F. demarcation of the property was made by the Block Land & Land Reforms Officer, Old Malda and by a letter issued to the Commandant 60 B.N. B.S.F., Aradhpur, Narayanpur, Malda on 10th January, 2019, the Block Land & Land Reforms Officer has stated that the plots in question are not part of L.A. case being no. 36/87-88 and are recorded in the name of the predecessor-in-interest of the writ petitioners. The petitioners submitted a representation before the concerned authority on 19th August, 2019 claiming release of the plots in question in their favour followed by a demand of justice submitted on 4th March, 2022. The representation is yet to be

considered. The petitioners pray for a direction upon the authority to consider the representation at the earliest and pay compensation for the period during which the petitioners were restrained from utilising the land.

Upon consideration of the submission made on behalf of the petitioners as well as the letter issued by the Block Land & Land Reforms Officer on 10th January, 2019, this Court is inclined to hold that since it is not in dispute that the plots in question have not been acquired by the respondents and are recorded in favour of the predecessor-in-interest of the petitioners, the 2nd respondent be directed to deal with the representation submitted by the petitioners dated 19th August, 2019 in the light of the observation made by the Block Land & Land Reforms Officer in his letter dated 10th January, 2019 as well as the contention of the petitioner made in the demand of justice dated 4th March, 2022 within two months from the date of communication of this order upon affording reasonable opportunity of hearing to all concerned including the petitioners, in accordance with law.

In the event the representation is decided in favour of the petitioners, necessary consequential steps be taken by the authority at the earliest.

Since the respondents are not represented, the petitioners are directed to serve a copy of this order along

with copy of the writ petition including annexures thereto upon the 2nd respondent at the earliest.

With the aforesaid 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.)