

April 2, 2024
ARDR (703)

WPA 21520 of 2023

Prasanta Kumar Bar
Vs.
The State of West Bengal & ors.

Adv. Kamalesh Bhattacharya,
Adv. Aninda Bhattacharya,
...for the petitioner.
Adv. Supratim Dhar,
Adv. Amritalal Chatterjee,
...for the State.

On prayer of the petitioner, liberty is granted to implead the Joint Secretary, Land & Land Reforms Department, L. A. Branch, Nabanna, Howrah, as the 8th respondent in the writ petition.

The cause title of the writ petition be amended accordingly.

Since the 8th respondent is already represented, further service of notice upon him is dispensed with.

Supplementary affidavit submitted on behalf of the petitioner and the status report submitted on behalf of the respondents are taken on record.

Heard learned counsels for the parties.

It is not in dispute that the predecessor of the petitioner was the recorded owner of the plots in question being plot nos.320 and 376 and the petitioner and the others have acquired title and possession in respect of the same by way of inheritance. The said plots along with other plots were requisitioned vide L.A. case no. 42 of 66-67 and subsequently some of the plots were released in exercise of power conferred under Section 7(1) of the East Calcutta

Wetland (Conversion and Management) Act, 2006. However, the plots in question were not considered by the authority in the notification issued on 19th February, 2015 for release of some of the plots. Some of the owners filed a writ petition, being C.O. no. 14156 (W) of 1991 claiming release of the plots involved therein on the ground that neither possession was taken, nor any compensation paid by the authority. By an order passed on 30th January, 1992, a coordinate Bench of this Court directed the respondents therein to release the plots involved in the writ petition from requisition within a stipulated time frame. Pursuant thereto, a notification was issued by the Land and Land Reforms Department, L. A. Branch on 19th February, 2015 releasing some of the plots from requisition. The petitioner appears to be similarly circumstanced with the owners whose plots have been de-requisitioned/released vide notification dated 19th February, 2015.

In view thereof, this Court is inclined to hold that since the land of the petitioner is yet to be released, the concerned authority, being the Joint Secretary, Land and Land Reforms Department, L. A. Branch, being the 8th respondent herein, be directed to consider release of the plots in question in favour of the petitioner in tune with the notification dated 19th February, 2015, within two months from the date of communication of this order upon affording reasonable opportunity of hearing to all

concerned including the petitioner and other legal heirs, in accordance with law.

With the aforesaid observations and 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 have been 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.)