

Court No. 2
02.12.2024
(Item No. 20)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 23414 of 2023

Smt. Krishna Mondal
VS
The State of West Bengal & Ors.

Mr. Amit Bikram Mahata
.... For the petitioner
Mr. Chandi Charan De, Ld. Addl. Govt. Pleader
Mr. Anirban Sarkar
.... For the State
Mr. S. M. Hassan
Ms. Anupama Yasmin
.... For Haldia Municipality
Mr. Salil Kumar Maiti
Ms. Dolan Samanta
.... For respondent No. 7

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

Mr. Amit Bikram Mahata, learned counsel
appears for the petitioner.

Mr. Chandi Charan De, learned Additional
Government Pleader appears for the respondent Nos.
1 to 6.

Mr. Salil Kumar Maiti, learned advocate
appears for respondent No. 7.

Mr. S. M. Hassan, learned advocate appears
for respondent Nos. 8 to 10.

The petitioner is the land owner and land loser
submits that after the land of the petitioner being
acquired, monetary compensation has been paid
which has duly been received by the petitioner
without any objection. The petitioner now claims

rehabilitation under the relevant scheme of acquisition.

Petitioner submitted its representation dated **July 17, 2023, annexure P-4** at **page 18** to the writ petition, the same has not been considered.

In view of the above, the respondent No. 6 upon issuing a prior hearing notice of at least seven days to the petitioner and after granting her an opportunity of hearing shall decide the said representation dated **July 17, 2023, annexure P-4** at **page 18**, 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. 6 who is the jurisdictional authority positively within a period of **six weeks** from the date of communication of this order. The reasoned order shall be communicated to the petitioner within a further 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 petitioner and the petitioner shall be at liberty to urge whatever points she wishes to urge by relying upon whatever records and documents she wishes to rely upon before the respondent No. 6.

In the event, the reasoned decision goes in favour of the petitioner, the respondent No. 6 and/or

any other appropriate authority shall take all necessary and consequential steps to give an immediate effect thereto in accordance with law but positively within a further period of **eight weeks** from the date of the said reasoned order to be passed.

It is made clear that, this order shall not create any right or equity in favour of the petitioner if the petitioner does not succeed to her claim strictly in accordance with law in every respect.

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 23414 of 2023** stands **disposed of**, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)