

01.12.2025
Ct. No.19
Sl. No.19
akd

W. P. A. 980 of 2025

[Sukumar Patra -Vs- The State of West Bengal & Ors.]

Mr. Shouvik Naskar

... ... for the petitioner

Sk. Afrojul Haque

... ... for respondent no.7
[Haldia Development Authority]

Mr. Ayan Banerjee

Ms. Tuli Sinha

... ... for the State

1. Affidavit-of-service filed in court today is taken on record.
2. The petitioner claims that the father of the petitioner namely, Haripada Patra was the owner of C.S. Plot No. 2933/3628 of Mouza – Debhog, J.L. No. 149 under Police Station: Sutahata in the district of Purba Medinipur. The petitioner claims that the said plot was acquired vide L.A. Case No. 5 of 1970-71 for the purpose of Haldia Dock Project and the father of the petitioner was an awardee under Award serial No. 842. The petitioner states that the father of the petitioner died leaving behind surviving him as well as other sons and during the lifetime of the father, in order to avoid future complications between the son of the original owner, the father of the petitioner made a declaration in his favour to the effect that the petitioner will get the benefit for the acquisition of Plot No. 2933/3628.
3. The learned advocate appearing for the petitioner draws the attention of this court to the circular dated April 20, 1993 in support of his contention that the petitioner is entitled to a plot of land since his father along with his family was evicted from the plot in question. The learned advocate further submits that

the petitioner submitted a representation before the Rehabilitation Advisory Committee, Haldia praying for allotment of a plot of land. The learned advocate submits that no decision on such representation has been communicated to the petitioner till date.

4. Mr. Ayan Banerjee, learned advocate appearing for the State submits that from the documents disclosed in the writ petition, it appears that the plot in question was acquired under a land acquisition case of the year 1970-71. He further submits that the circular dated April 20, 1993 is silent as to whether the same would have retrospective effect in case of acquisition of homestead land prior to the issuance of such circular. He also submits that it would be evident from the present age of the petitioner that he was also not born at the time of issuance of the notification for acquisition as well as payment of award money. He thus, submits that the petitioner cannot claim himself to be a family member in terms of the Memo dated April 20, 1993. He submits that admittedly the petitioner has other brothers who have also not been impleaded in this writ petition. He further submits that the other brothers of the petitioner are necessary parties for arriving at a decision with regard to the claim of the petitioner for allotment of the plot in question.

5. The learned advocate appearing for the Haldia Development Authority is present. He adopts the submissions of Mr. Ayan Banerjee. He raises an objection as to the maintainability of the writ petition on the ground of delay.

6. In the event, a person evicted from a property is entitled to allotment of a plot of land pursuant to any scheme framed by the Government or other authorities, it was incumbent upon the

Government or such authorities to act in terms of such circular. An application for allotment of a plot of land pursuant to any policy is not dependent on an application to be made therefor and it is the duty of the State and its instrumentalities to take steps in accordance with the scheme or guidelines framed by it more particularly when the scheme is a beneficial one in order to provide accommodation to a displaced person.

7. For such reason, this Court is not inclined to dismiss the instant writ petition on the ground of alleged delay and laches.

8. However, since several factual and legal issues are involved in this writ petition, the same cannot be decided by this court in a writ petition. Since a representation has been submitted by the petitioner before an authority empowered to take a decision on such issue, this court is of the considered view that the said authority shall consider the issue of applicability of the circular dated April 20, 1993 or any other circular that may be applicable to a case of like nature and after considering the facts in issue, shall arrive at a decision after affording an opportunity of hearing to the petitioner or any other person who may be affected by such decision.

9. The Special Land Acquisition Officer, Haldia Project being the sixth respondent shall consider and dispose of the representation of the petitioner dated December 26, 2023 by passing a reasoned order after giving an opportunity of hearing to the petitioner or any other person who may be affected by such decision or their authorized representative and shall communicate the reasoned order to the respective parties immediately thereafter. The entire exercise shall be completed as

expeditiously as possible but positively within a period of eight weeks from the date of receipt of a server copy of this order.

10. It is however, made clear that this court has not entered into the merits of the claim and counter-claims of the respective parties and the sixth respondent shall be free to decide the said issue without being influenced by any observations made in this order.

11. With the aforesaid observations and directions, the writ petition is disposed of.

12. There shall be no order as to costs.

13. All parties are to act on a server copy of this order duly downloaded from the official *website* of this Court.

(Hiranmay Bhattacharyya, J.)