

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

51 14.02.2025
Sc Ct. no.2

WPA 2904 OF 2025

Nagendra Nath Pandey & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Pawan Kr. Gupta
Mr. Shivam Mishra.

.... For the Petitioners

Mr. Supratim Dhar
Ms. Tuli Sinha.

.... For the Respondents
State

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

This order shall be effected subject to payment of
twenty **Court Fees** since one has already been paid.

Mr. Pawan Kr. Gupta, learned Advocate appears
for the petitioners.

Ms. Tuli Sinha, learned State Advocate led by Mr.
Supratim Dhar, learned Senior Advocate appears for
the respondents State.

The petitioners claim settlement of a piece of land
under the **Refugee Rehabilitation Scheme** in favour
of the petitioners where the petitioners claim to be in
possession since about **1960** and thereafter. The
petitioners submitted a representation on **June 29,**
2022 at **page 59** to the writ petition but the same has
not been considered.

In view of the above, the jurisdictional competent authority is directed upon issuing a prior hearing notice to the petitioners and after granting them an opportunity of hearing shall decide the representation at **page 59** to the writ petition by passing a reasoned order in accordance with law.

The petitioners shall be entitled to participate in the hearing through their duly authorized representative(s).

The entire exercise as directed above, shall be carried out and completed by the jurisdictional competent authority within a period of **eight weeks** from the date of communication of this order and the reasoned order shall be communicated to the petitioners positively within a further period of **two weeks** from the date of the said reasoned order to be passed. The reasoned order shall also be communicated to the authorized representative(s) through whom the petitioners may participate in the hearing, if any. In such event, communication on the authorized representative(s) shall also bind the petitioners.

It is made clear that, this Court has not gone into the merits of the claim of the petitioners and they shall be at liberty to urge whatever points they wish to urge by relying upon whatever records and documents they

wish to reply upon before the jurisdictional competent authority.

In the event the reasoned order goes in favour of the petitioners or some of such petitioners then the appropriate authority of the State shall settle the land and/or respective lands in their favour in accordance with law upon compliance of all the formalities positively within a 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 petitioners if they do not succeed to their respective claims strictly in accordance with law.

Since affidavits are not called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions, this writ petition, ***WPA 2904 of 2025*** stands ***disposed of***, without any order as to costs.

(Aniruddha Roy, J.)