

S/L 7
28.04.2025
Court. No. 19
Swayan

WPA 4868 of 2024

**Sri Biswanath Pathak & Ors.
Vs.
The State of West Bengal & Ors.**

*Mr. Subhrangsu Panda
Ms. Haritri Roy
Mr. R. Ghoshal*

...for the petitioners.

*Mr. Chandi Charan De, AGP
Mr. A. Sarkar*

...for the State.

Ms. Manika Roy

...for NHAI.

1. The affidavit-of-service as filed today is taken on record.
2. The writ petitioners, the respondents/State and the respondent nos. 3 and 4 that is the functionaries of the NHAI are represented by their respective Counsels.
3. At the time of hearing Mr. Panda at the very outset draws attention of this Court to page no. 77 of the instant writ petition being a copy of the letter dated 04.08.2022 as written by the learned Advocate for the writ petitioners to the respondents/authorities. It is submitted by Mr. Panda that under cover of the said letter dated 04.08.2022 it has been communicated to the respondents/authorities that in a requisition and acquisition proceeding though the writ petitioners obtained compensation under protest but the writ petitioners were not awarded any compensation for demolition of their 'pakka' construction which

according to the writ petitioners were illegally demolished by the respondents/authorities. It is submitted that the instant writ petition has been filed since the writ petitioners' representation under cover of the said letter dated 04.08.2022 has not yet been considered favourably and on the contrary the respondents/authorities sat tight over the matter and practically did nothing.

4. On careful consideration of the entire materials as placed before this Court and after hearing the learned Advocates for the contending parties this Court while disposing the instant writ petition directs the respondent no. 2 to consider the letter dated 04.08.2022 as issued by the learned Advocate for the writ petitioners as a representation of the writ petitioners. The respondent no. 2 is further directed to give a chance of hearing to the writ petitioners as well as the respondent nos. 3 and 4 and/or their authorized representatives and thereafter shall pass a reasoned order in writing on such representation and shall forthwith communicate the same to the writ petitioners preferably by mail, if the mail details of the writ petitioners are provided to the respondent no. 2 at the time of hearing.
5. It is made clear that the entire exercise as indicated in the foregoing paragraph is to be completed within 60 working days from the date of communication of the server copy of this order.

6. Liberty is given to the learned Advocate-on-Record of the writ petitioners to communicate the server copy of this order to the respondent no. 2.
7. The respondent no. 2 is hereby directed to act on the server copy of this order.
8. It is made clear that while disposing the instant writ petition this Court has not entered into the merit of the said representation and since the affidavits have not been called for the allegations made in the instant writ petition are deemed to have been denied.
9. With the aforementioned observation, the instant writ petition being WPA 4868 of 2024 is disposed of.
10. Urgent Xerox certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Partha Sarathi Sen, J.)