

85. 02.05.2025
Court No.19
(Tanmoy)

WPA/8787/2025

**SRI NIHAR RANJAN METIA AND ORS.
VERSUS
THE STATE OF WEST BENGAL AND ORS.**

Mr. Kanailal Samanta

...for the petitioners.

Mr. Chandi Charan De, Ld. AGP
Mr. Anirban Sarkar

...for the State.

Mr. Raja Saha
Ms. B. Roy

...for the respondent no.11.

- 1.** The affidavit of service as filed in Court today on behalf of the writ petitioners, is taken on record.
- 2.** The writ petitioners, the respondent State and its functionaries and the respondent no.11 are represented by their respective learned Counsel.
- 3.** By filing the instant writ petition, the writ petitioners have prayed for issuance of appropriate writ and/or writs against the respondent no.6, more specifically against the respondent no.8 to shift the existing pipeline from the land being Plot No. 100/360 of Mouza – Chakkamina, PO & PS – Tamluk, District – Purba Medinipur, with a further prayer not to lay any further pipeline over such plot of land.

4. At the time of hearing, learned Advocate for the writ petitioners, at the very outset, draws attention of this Court to page no. 56 of the instant writ petition being a copy of the letter dated March 17, 2025, as written by the writ petitioners addressed to the respondent no.8 as well as to the respondent no.10 requesting them not to take any steps towards shifting and/or connecting any pipeline by using any portion of the aforementioned plot of land which, according to the writ petitioners, belonging to them. It is submitted on behalf of the writ petitioners that from the said letter dated March 17, 2025, it would reveal that previously the respondent Authorities had laid water pipeline on the said plot of land of the writ petitioners without acquiring the said plot of land and without disbursing any compensation.

5. At this juncture, learned Advocate for the writ petitioners again draws attention of this Court to page no.50 of the instant writ petition being a copy of the letter dated September 27, 2019, as issued by the respondent no.5, addressed to one of the writ petitioners. It is submitted that from the said letter dated September 27, 2019, it would reveal that the writ petitioners' abovementioned plot of land was not acquired by the respondent Authorities. It is thus

submitted that appropriate relief and/or reliefs may be granted to the writ petitioners in terms of the prayers made in the instant writ petition.

6. Said prayer is, however, opposed on behalf of the State. It is submitted by Mr. De, learned Additional Government Pleader (AGP) appearing for the respondent State and its functionaries that the respondent no.8 Authority may be directed to consider the representation dated September 27, 2019 in accordance with law.

7. Learned Advocate appearing on behalf of the respondent no.11, supports the contention of Mr. De, learned AGP.

8. On careful consideration of the entire materials as placed before this Court and after hearing learned Counsel for the contending parties, this Court, while disposing of the instant writ petition, directs the respondent no.8, being the Executive Engineer, PHE, Tamluk Division, to treat the letter dated September 27, 2019, as issued by the writ petitioners as a representation of the said writ petitioners.

9. The respondent no.8 is further directed to consider such representation in accordance with law after giving an opportunity of hearing to the writ petitioners and also after obtaining a report from the

respondent no.4 and shall pass a reasoned order soon thereafter and shall communicate the same to the writ petitioners as well as to other stake-holders preferably through mail, if the mail details of the writ petitioners and other stake-holders are provided to him at the time of hearing.

10. Liberty is given to the writ petitioners and the private respondents to submit their relevant documents and/or their written submissions before the respondent no.8 at the time of hearing and/or while consideration of the representation of the writ petitioners.

11. The entire exercise, as indicated in the foregoing paragraph, is to be completed by the respondent nos. 4 and 8 within 60 working days from the date of communication of the server copies of this order.

12. Liberty is given to the learned Advocate-on-Record for the writ petitioners to communicate the server copies of this order to the respondent nos.4 and 8. The respondent nos.4 and 8 are directed to act on the server copies of this order.

13. Before parting with, it is directed that in the event while passing the proposed reasoned order, the respondent no.8 finds sufficient merit in the representation of the writ petitioners, he shall

forthwith take consequential steps in accordance with such reasoned order.

14. With the aforementioned observation, the instant writ petition is disposed of.

(Partha Sarathi Sen, J.)