

Item No.10
14.05.2025
Court. No. 19
GB

W.P.A. 16390 of 2023

Sk. Hasrathullah & Ors.

Vs.

The Secretary, Irrigation and Waterways
Department, Government of West Bengal & Ors.

Mr. Triptimoy Talukder,
Mr. Diptomoy Talukder,
Mr. Dibyendu Ghosh,
Ms. Archita Chail,
Mr. Abhiraj Tarafdar

...for the Petitioners.

Sk. Md. Galib,
Mr. Safik Dewan

...for the State.

1. The supplementary affidavit as filed on behalf of the writ petitioners is taken on record.
2. This Court has heard Mr. Talukder, learned advocate appearing on behalf of the writ petitioners and Mr. Galib, learned advocate appearing on behalf of the respondents, that is, the respondent State and its functionaries.
3. At the time of hearing, Mr. Galib has also filed a report dated 24.04.2025 as prepared by the Special Land Acquisition Officer, Paschim Medinipur. Let the said report dated 24.04.2025 be also taken on record.
4. By filing the instant writ petition, the writ petitioners have prayed for issuance of appropriate writ/writs against the respondent authorities commanding them for removal of the dilapidated staff quarters, hut-means etc., from the raiyati land of the writ petitioners, particular of which has been mentioned in paragraph no.2 of the instant writ petition with a

further prayer commanding the respondent to restore the said land to the writ petitioners.

5. At the time of hearing Mr. Talukder at the very outset draws attention of this Court to page no.8 of the supplementary affidavit as filed today being a copy of the order dated 19.07.2000 as passed by a coordinate Bench in WPA 11420 of 2000 whereby and whereunder a Single Bench of this Court directed the respondent no.4 to treat a copy of the said writ application as a representation of the writ petitioners and upon considering the same to pass a reasoned order within a specified period.
6. At this juncture, Mr. Talukder took me to page nos.9 and 10 of the said supplementary affidavit being a copy of the memo dated 29.01.2004. It is submitted that from the said memo it would reveal that in an acquisition proceeding as initiated under Act I of 1894, 0.58 acre of land in Plot No.61 and 0.02 acre of land in Plot No.80 totaling to 0.60 acre was acquired and the same was handed over to the requiring body in connection with L.A. Case No.9 of 1966-67.
7. It is further submitted on behalf of the writ petitioners that from the said memo dated 29.01.2004 it would reveal that the requiring body is however occupying excess land to the extent of 0.59 acre in the self-same Plot No.61 in Mouza – Abradihi under P.S. Salboni, which according to the writ petitioners belong to them.

8. It is submitted that such factum was brought to the notice of the respondent authorities by the writ petitioners by submitting a representation dated 24.05.2022, a copy of which has been annexed at page no.42 but of no effect. It is, thus, submitted that appropriate relief or reliefs may be granted to the writ petitioners in terms of the prayers made in the instant writ petition.
9. Per contra, Mr. Galib, learned advocate appearing on behalf of the respondent authorities draws attention of this Court to the report as filed today by the Special Land Acquisition Officer, Paschim Medinipur. It is submitted by Mr. Galib that from the said report it would reveal that in connection with land acquisition proceeding under Act I of 1894 and under Act II of 1948 total 1.83 acre of land was acquired by the acquiring body in different CS/LR plots in the self-same mouza, that is, in Mouza – Abradihi. It is, thus, submitted that from the said report it would reveal that no excess land is occupied by the requiring body as wrongly alleged on behalf of the writ petitioners.
10. Such contention is, however, opposed by Mr. Talukder.
11. 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 representation dated 24.05.2022 as submitted by the writ petitioners in

accordance with law and also in the light of the report dated 24.04.2025 as submitted by the Special Land Acquisition Officer, Paschim Medinipur and after giving an opportunity of hearing to the writ petitioners and/or their authorized representative shall pass a reasoned order on such representation and shall forthwith communicate the same to the writ petitioners preferably by email, if the mail details of the writ petitioners are provided to him at the time of hearing.

12. It is further directed that the entire exercise as indicated hereinabove is to be completed within 60 working days from the date of communication of the server copy of this order.
13. Liberty is given to the learned advocate on record of the instant writ petition to communicate the server copy of this order along with a copy of the representation dated 24.05.2022 to the respondent no.2 forthwith.
14. The respondent no.2 is directed to act on the server copy of this order.
15. The time limit as fixed by this Court is mandatory and peremptory.
16. With the aforementioned observations the instant writ petition being WPA 16390 of 2023 is disposed of.

(Partha Sarathi Sen, J.)