

12.09.2024
Item No.04
RP
Ct. No.7

WPA 17380 of 2015

**Tulika Chowdhury & Ors.
Vs.
State of West Bengal & Ors.**

Mr. Amit Kumar Pan
Ms. Tanushree Santra
....for Petitioners
Mr. Chandi Charan De
Mr. Tulshi Das Ray
....for State

1. This matter was heard on September 3, 2024 and upon conclusion of hearing an order was dictated in open Court. However, before signing the said order this Court found that an important issue was not dealt with by this Court in the said order. The said issue being where a notice under Section 4(1A) of 1948 Act was issued and was surviving on or after 31st March, 1997 but no award was passed within the stipulated period, the proceeding for acquisition could be revived by issuing a notice under Section 9(3B) of 1997 (Amendment of the 1894) Act after expiry of the period contemplated under Section 7A of 1948 Act. In view thereof, this Court is of the considered view that the parties are to be given an opportunity to make their respective submissions on the aforesaid issue.

2. In view of the aforesaid, the order dictated in open Court on September 3, 2024 stands recalled. The writ petition is restored to its original file and number. List this writ petition on 19th September, 2024 as continuing matter at the top of the list.
3. Mr. Pan, learned advocate appearing for the petitioner submits that in the case on hand no notice under Section 9(3B) of the 1894 Act has been served upon the writ petitioners. The appropriate authority of the State is directed to produce the records to show that such notice was duly served upon the writ petitioners, on the next date of hearing.

(HIRANMAY BHATTACHARYYA, J.)