

N.22Sl
151/CL
10.07.25
Sl-17
Ct.24
(S.R.)

WPA 27260 of 2022

With

CAN 1 of 2024

And

CAN 2 of 2024

Dharani Dhar Mahata (Since Deceased) & Ors.

v.

The State of West Bengal & Ors.

Mr. Tarapada Das ... for the petitioners.

Mr. Soumitra Bandopadhyay

Ms. Suchana Banerjee y ... for the State.

In re: CAN 1 of 2024

This is an application for addition of party. Learned counsel appearing on behalf of the added applicant in CAN 1 of 2024 intends to withdraw the instant application.

Accordingly, the application being CAN 1 of 2024 is dismissed as not pressed.

In re: CAN 2 of 2024

This is an application for substitution on account for the death of the writ petitioner no.1, namely, Dharani Dhar Mahata. It appears that the said petitioner no.1 has expired on 16th July, 2024. The instant application was filed on 3rd September, 2024 i.e. within the statutory period of limitation.

Considering the same, the instant application being CAN 2 of 2024 is considered and allowed.

Let the legal heirs of petitioner no.1 mentioned in

paragraph 3 of the said application be substituted at the place of the petitioner no.1, as petitioner nos.1(a), 1(b) and 1(c) respectively.

Learned counsel for the petitioners is directed to correct the cause title within seven days from the date.

Accordingly, the CAN 2 of 2024 is disposed of.

WPA 27260 of 2022

Land of the petitioners was acquired by the State Government in respect of LA Case No.35/89-90. The petitioners approached the authority for certificate of acquisition of land. On such application, the concerned Special Land Acquisition Officer, Bankura vide Memo dated 1st October, 2019 has observed that the said LA Case has been lapsed due to non-submission of fund by requiring body in time.

The petitioners are aggrieved against such order and approached this Court. During pendency of this writ petition, this Court has directed the State authority to submit a report. Report was place on record, which contains some annexures. Amongst them, Annexure-G contains a Memo dated 4th October, 2023 issued by the Executive Engineer, Kangsabati Canals Division No.II, Khatra - Bankura to the District Magistrate & Collector, Bankura, Land Acquisition Department, Bankura containing, *inter alia*, that the requiring body has already placed a total amount of Rs.2,75,384/- through the State

Bank of India, Bankura Branch vide Cheque No.076568 dated 20th August, 1990 in connection with LA Case No.35/89-90 along with other LA Cases.

Having perused the report of the State authority and considering the submission of the learned counsel for the petitioners, it appears that the award amount has already been deposited by the requiring body amongst which the petitioners are entitled to get their respective award.

Under the above observations, the writ petition is disposed of by directing the Special Land Acquisition Officer, Bankura being the respondent no.3 of this writ petition to decide the issue afresh.

The petitioners are directed to approach the respondent no.3 by placing a detailed representation containing description of land, which was acquired by the State authority and their prayer for award within two weeks from the date of passing this order.

On such representation, the respondent no.3 shall dispose of the representation within six weeks from the date of receiving of such representation after giving reasonable opportunity of being heard to the petitioners and shall dispose of the same according to law. The decision of the authority shall be intimated to the petitioners within two weeks thereafter.

It is clarified that this Court has not gone into the merits of this matter, the respondent no.3 shall dispose of

the representation by making award in favour of petitioners, If they are found to be eligible according to law.

With the above observations, WPA 27260 of 2022 is disposed of.

There shall, however, be no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

(Subhendu Samanta, J.)