

16.01.2024

Ct. no.2
Item no.57
b.r.

WPA 30615 OF 2024

Mitali Bera

Vs.

Union of India & Ors.

Mr. Kamal Mishra

Mr. Pratap Sanfui.

... For the Petitioner

Affidavit-of-service, filed in Court today, is taken on record.

Mr. Kamal Mishra, learned counsel appears for the petitioner.

None appears for the respondents, despite notice.

The petitioner claims to be a land loser. The land of the petitioner has been acquired for the purpose of laying down the railway track in between ***Deshpran and Nandigram, West Bengal.*** The petitioner has not received the Land Loser Certificate and also the compensation. The petitioner submitted a representation dated ***November 22, 2024, Annexure-P2 at page 13*** to the writ petition, the same has not been considered.

In view of the above, the respondent no.3 is directed upon issuing a prior notice of hearing of at least

seven days to the petitioner and other interested parties, if any and after giving them an opportunity of hearing to dispose of the said representation dated **November 22, 2024, Annexure-P2 at page 13** to the writ petition by passing a reasoned order in accordance with law.

The entire exercise, as directed herein, shall be carried out and completed by the respondent no.3 positively within a period of **eight weeks** from the date of communication of this order and the reasoned order shall be communicated to the petitioner and other interested parties, if any, positively within a **further** period of **one week** from the date of the said reasoned order to be passed by the respondent no.3.

In the event, the reasoned order goes in favour of the petitioner then the respondent nos. 2 and 3 shall take all necessary and consequential steps to give an immediate effect to the said reasoned order but positively within a period of **six weeks** from the date of the said reasoned order to be passed.

It is made clear that, this Court has not gone into the merits of the claim and rival claim of the parties and they shall be at liberty to urge whatever points they wish to urge by relying upon whatever records and documents they wish to rely upon before the respondent no.3 but the same shall not travel beyond the scope of the representation dated **November 22, 2024, Annexure-P2 at page 13** to the writ petition

It is made clear that, this order shall not create any right or equity in favour of the petitioner and other interested parties, if any, if they do not succeed to their respective contentions before the respondent no.3 strictly in accordance with law.

In the event, it is found from the record that the land losers in respect of the acquired land have already received their determined compensation then there shall be no question of making any further payment to the writ petitioner and any other interested parties.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions this writ petition, **WPA 30615 of 2024** stands ***disposed of***, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)