

WPA 20270 of 2018

**Yeakub Ali Shaikh
Vs.
Union of India & Ors.**

**Mr. Md. Sarwar Jahar,
Md. Ashraful Huq.
... for the petitioner**

**Mr. Jayanta Samanta,
Mr. Kushal Biswas.
... for the State**

**Mr. Amitava Chaudhuri,
Mr. N. Roy,
Mr. Chandan Chakraborty.
... for the respondent no. 7**

On behalf of the State, accommodation has been sought for today. However, as the record shows that the State has not preferred to file any affidavit-in-opposition in spite of specific direction of the Court made previously, it is found that the respondent/State has no defence to offer in this writ petition as regards the prayer of the petitioner.

The respondent no. 7 is represented along with the petitioner when the matter is called on.

In the circumstances as above, this case is taken up for hearing and disposal, in absence of the State.

Petitioner's grievance is that the landed property owned by him has been taken over for the purpose of construction of metal road. The construction is now completed and the road is being used by the people as a thoroughfare.

The petitioner has been specifically aggrieved of the fact that in spite of acquiring this land for construction of metal road and the construction work having been completed, the petitioner has not been awarded with any amount of compensation as regards the said acquisition of his landed property.

He seeks redressal of his grievances.

The respondent no. 7, however, shrug off their responsibility as regards the acquisition of land or construction of the road over the concerned land. They say that they are not involved in the acquisition of the petitioner's land as alleged. They also say that the road over the said land has not been constructed at their instance.

On the backdrop of the above facts and circumstances of the case, record reveals that the petitioner has raised this grievance, vide a complaint letter dated 20.07.2018.

Mr. Sarwar Jahar, learned counsel appearing for the petitioner submits that the said representation of the petitioner has also not been considered till date and is still remaining pending with the respondent authorities for an answer.

On perusal of the annexed documents it prima facie reveals that the petitioner was possessing over the piece of land on which subsequently a metal road has been constructed. A 'parcha' wherein the name of the petitioner has been recorded, against the said landed property is

annexed with the writ petition, as a proof of possession of the petitioner.

Though the petitioner also claims ownership of the said piece of land, the writ petition is not enclosed with any of the title deed or sufficient document or proof of the ownership.

Be that as it may, having found that the writ petitioner's representation, to raise grievance against the concerned department is still awaiting consideration and disposal and finding prima facie that the petitioner's possession over the land is established pursuant to the 'parcha' annexed to the writ petition, this writ petition is disposed of with the following directions.

Let the District Magistrate and Collector, Nadia, immediately consider and dispose of the prayer of the petitioner in the said complaint letter dated 20.07.2018.

In doing so, the respondent no. 6 shall afford opportunity of the hearing to the petitioner and also to any other person as it thinks fit and proper. He should dispose of the prayer of the writ petition in the said complaint letter by dint of a reasoned order. The entire exercise, as above, shall be completed within a period of six weeks from the date of receipt of copy of this order.

It is made clear that for this purpose server copy of the order would suffice.

WPA 20270 of 2018 is disposed of.

Urgent Photostat certified copy of this order, if applied for, be given to its parties on usual undertaking.

(Rai Chattopadhyay, J.)