

Item No. 13

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(via video conference)

18.9.2020
Ct-13

W.P.A. 6337 of 2020
Mihir Lal @ Mrityunjay Maity
v.
The State of West Bengal & Ors.
with
IA No. CAN/1/2020
(Old No. CAN/4881/2020)

Mr. Sudarshan Ghosh
... for the petitioner.

Mr. Chandi Charan De, Id AGP.
Mr. Anirban Sarkar
... for the State.

The grievance of the petitioner is that his land has been forcefully acquired and utilized by the State respondents after the super cyclone namely 'Ayla' and 'Amphan'.

The petitioner submits that he made a representation before the respondent authorities praying for grant of compensation on account of acquisition and utilization of his land. The petitioner's application dated July 5, 2020 is yet to be considered by the respondent authorities.

The learned counsel appearing on behalf of the State respondents submits that there is nothing on record to show that the land of the petitioner was duly acquired by the State respondents. The petitioner is not entitled to compensation if there is no formal acquisition of his land.

As it appears that the petitioner has claimed that his land at Pathar Pratima has been utilized by the State respondents for construction of the Chaltaberia Khal without acquiring the same, accordingly, the instant writ petition is disposed of by directing the respondent no. 4 being the Special Land Acquisition Officer, District South 24-Parganas to make a proper investigation and identify the land of the petitioner. The said respondent shall intimate the petitioner the fate of the enquiry immediately thereafter.

In the event, it appears that the land of the petitioner has been actually utilized by the State respondents for the purpose of construction of the Khal, then the said authority shall take

necessary steps for formal acquisition of the said land in accordance with law. Such steps shall be taken by the respondent no. 4 within a period of twelve weeks from the date of communication of a copy of this order.

In the event the petitioner is entitled to any compensation on account of acquisition then steps shall be taken by him for disbursement of the compensation amount in accordance with the provisions of law.

The writ petition being W.P.A /6337/2020 and IA No. CAN/1/2020 (Old No. CAN/4881/2020) stand disposed of.

Urgent xerox certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(**Amrita Sinha, J.**)