

27.01.2021

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**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA 68 of 2020

With

C.A.N. 1 of 2021

(Via Video Conference)

Sri Subirendra Nath Singh Roy & Anr.

-Vs-

The District Magistrate, Nadia & Ors.

Mr. Subrata Ghosh, Advocate

Ms. Kuhu Roy, Advocate

... for the petitioners

Mr. Chandi Charan De, Advocate

Mr. Anirban Sarkar, Advocate

... for the State

The petitioners are the owners of the entirety of the land situate at Plot No. 275, Khatian Nos. 79, 159 and 218, J. L. No. 15, Mouza- Rajapur, P.S. Nakashipara, District- Nadia (hereinafter referred to as 'the said land').

The grievance of the petitioners in this writ petition is that without initiating any process of acquisition under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as 'the Act of 2013'), the State respondents are seeking to forcibly construct a road over the said land. The petitioners allege that even the State respondents are trying to cut the trees of the said land.

The fact that the land of the petitioners has not been acquired under the Act of 2013, could not be

disputed by Mr. De, learned Additional Government Pleader representing the State respondents.

Considering the materials on record, the writ petition, WPA 68 of 2020 is disposed of by prohibiting the respondents and each of them, whether by themselves or by their agents or servants or assignees or otherwise whosoever, from carrying on any construction work on the above-mentioned land of the petitioners or cutting any tree on the said land, without first completing the acquisition proceeding under the Act of 2013. The respondents are further prohibited from interfering with the possession of the said land by the petitioners in any manner whatsoever, without first completing the proceeding under the Act of 2013.

With the disposal of the writ petition, the connected application, being CAN 1 of 2021 stands disposed of.

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

(Ashis Kumar Chakraborty, J.)