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20.12.2021
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W.P.A. 4615 of 2017
(Banamali Panja & Ors. vs. State of West Bengal & Ors.)

Mr. Tanmay Mukherjee
Mr. Subham Ghosh
.... For the Petitioners

Mr. Ansar Mondal
Ms. Srilekha Bhattacharyya
.... For the State

Heard learned counsels for the parties.

It appears from the report filed by the State Authorities that 0.51 acres of plot No. 1119 of Mouza Bally was acquired by the State Authorities and compensation was paid to the petitioners on 26th May, 1969. The State Authorities also acquired the remaining portion comprising 0.22 acres of plot No. 1119 and the whole of plot No. 1041 in LA(PW)/2R-264/72 dated 8th December, 1975. Possession of the said plot was taken over on 19th February, 1966 and handed over to the requiring body on the same date. Though requisition was issued for the same, but the plot was not acquired. It is admitted by the State Authorities that though compensation to the tune of Rs.3,48,626/- was duly

sanctioned by the Land and Land Reforms Department and placed before the requiring body for placement of requisite fund, no such fund was placed prior to 31st December, 1997 due to shortage of fund. Meanwhile the West Bengal Land (Requisition and Acquisition) Act, 1948 was repealed and the proceeding lapsed.

Learned counsel for the State suggests that the State shall initiate proceeding for direct purchase of the land in question from the petitioners at the present market value of the land in accordance with the Memorandum No. 756-LP/1(A)-03/14(Pt-II) dated 25th February, 2016. The petitioners are agreeable to such proposal.

In view of the above, the State respondents are directed to complete the process of direct purchase in terms of the Memorandum No. 756-LP/1(A)-03/14(Pt-II) dated 25th February, 2016 within a period of six months from the date of communication of this order after giving reasonable opportunity of hearing to all the interested parties including the petitioners, in accordance with law.

W.P.A. 4615 of 2017 is thus disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)