

December 17, 2021

ARDR

(28)

WPA 12988 of 2021

Promila Das & anr.

Vs.

The State of West Bengal & Ors.

Mr. Arindam Chattopadhyay,

Ms. Lipika Chatterjee,

...for the petitioners.

Mr. Sandip Kumar Bhattacharyya,

... for the respondent no.5.

Mr. Chandi Charan De,

Mr. Anirban Sarkar,

...for the State.

Heard learned counsels for the parties.

It is submitted on behalf of the petitioners that the compensation due to the 1st petitioner in lieu of acquisition of the land belonging to her is yet to be paid by the State authorities. The State authorities have also not issued the land loser certificate in favour of the 2nd petitioner to which he is entitled.

It is submitted on behalf of the State respondents that the petitioners may submit a representation stating their entire contention before the State respondents which shall be disposed of by the concerned authority. The State respondents further submit that they shall pay compensation due to the 1st petitioner and recover the same from the 5th respondent, in accordance with law.

The 5th respondent submits that in view of the Notification of the Land and Land Reforms department dated 26th August, 2008 the undisbursed amount of

compensation cannot be allotted to the disposal of the State respondents as the said deposit has lapsed and the State respondents should prepare a complete statement of accounts and submit the same before the 5th respondent for assessment of the same. Learned counsel further submits that despite communications being made to the Joint Secretary, Land and Land Reforms Department, the Additional Collector (Land Acquisition), Murshidabad is not complying with the necessary formalities.

Having considered the submissions made on behalf of the parties, this Court is of the view that the petitioners should not be made to suffer due to the controversies between the respondents inter-se.

The petitioners are at liberty to submit a comprehensive representation before the 4th respondent within two weeks from date. The 4th respondent shall consider and dispose of the said representation within three months from the date of receipt thereof after giving reasonable opportunity of hearing to all the interested parties including the petitioners, in accordance with law.

As submitted by the State respondents, the amount of compensation due should be paid to the 1st petitioner within the stipulated period of time.

WPA 12988 of 2021 is disposed of. However, there shall be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)