

December 8, 2021

ARDR

(26)

WPA 14785 of 2021

Biswanath Das & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Mukteswar Maity,

Mr. Prabir Roy,

...for the petitioners.

Mr. Susovan Sengupta,

Mr. Ayan Banerjee,

...for the State.

Heard learned counsels for the parties.

The petitioners' case is that the State respondents have utilised portions of undemarcated land belonging to the petitioners for construction of river embankment. No compensation for the same was granted to the petitioners.

It is submitted on behalf of the State respondents that a joint field verification is necessary in order to ascertain whether portions of such land have been utilised for the said purpose without acquisition and also for demarcation of such portions. Learned counsel for the State further submits that the field verification has been initiated by the Executive Engineer, but some more time is necessary for completion of the same.

In view of the submissions made on behalf of the parties, this Court is of the view that the Executive

Engineer, Irrigation and Waterways Directorate shall hold the field verification in presence of the interested parties including the petitioners in order to assess whether any portion of the land in question has been utilised without acquisition and the exact quantum of the same. Such exercise shall be completed within a period of four months from the date of communication of this order. Report of such field verification be placed before the 5th respondent for consideration of compensation, if any, and such consideration shall be completed within a period of three months from the date of receipt of the report. The 5th respondent shall give opportunity of hearing to all the interested parties including the petitioners while considering the report.

It is made clear that this Court has not gone into the merits of the case and the petitioners shall be at liberty to place all their points, as contended in the writ petition, before the authority at the time of hearing.

With the aforesaid observation and direction, WPA 14785 of 2021 is disposed of. However, there shall be no order as to costs.

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

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

(Suvra Ghosh, J.)