

11.02.2021
Item no. 20
Aloke
Ct. no.38

(Through Video Conference)

W.P.A. 21792 of 2019

Rabindra Nath Pradhan & Ors.
Versus
The State of West Bengal & Ors.

Mr. Mukteswar Maity

... for the petitioners

Mr. Chandi Charan De, Id. AGP

Mr. Anirban Sarkar

... for the State

The petitioners say that their land has been utilized by the Irrigation and Waterways Department without such land being acquired following due process of law. The petitioners have not yet received compensation for such land.

The petitioners had approached the Court earlier. Pursuant to the order of this Court, the Special Land Acquisition officer, South 24 Parganas, took up all matters together and passed an order on May 6, 2019 wherein it was observed inter alia as follows :

"As per record and joint field verification report it is found that the suit land was utilized by Irrigation and Waterways Department without acquisition. Any proposal for acquisition of the suit land has never been placed. So Land Acquisition Department is in no way responsible to pay compensation for the suit land. It is a simple case of utilizing of the suit land by irrigation and Waterways Deptt. on their own

sans any reference to Land Acquisition Department. Hence onus lies exclusively on the Irrigation and Waterways Department to pay compensation of the suit land to the writ petitioners. Hence Executive Engineer, Kakdwip Irrigation Department is asked to take necessary action for payment of compensation of the utilized suit land."

Since joint verification report has been prepared, there cannot be any dispute as regards the extent of the land of the petitioners that was utilized by the Irrigation Department.

Learned counsel for the petitioners submits that payment of compensation is withheld only because the land has not yet been valued.

I have also heard learned counsel for the State.

Let the Executive Engineer of the Irrigation Department, Kakdwip approach the Land Purchase Committee immediately for the purpose of getting the land in question valued. The Executive Engineer will do this within a week from the date of receipt of a copy of this order. The Land Purchase Committee shall do whatever is necessary for getting the land valued and such exercise will be completed within six weeks from the date of the Executive Engineer approaching the Committee.

The Committee shall forthwith communicate to the Executive Engineer the valuation of the land which should

be valued at market rate. Upon receipt of such valuation from the Land Purchase Committee, the Executive Engineer, Irrigation Department, Kakdwip, shall ensure that applicable compensation is paid to the petitioners within eight weeks from the date of receipt of the valuation report from the Land Purchase Committee.

The entire exercise aforesaid must be completed within five months from date.

No useful purpose will be served by keeping this writ petition pending.

With the aforesaid observations, the writ petition is disposed of.

In view of the main writ petition being disposed of, the connected applications are also disposed of.

Since no affidavit has been called for, none of the allegations in the writ petition shall be deemed to have been admitted by the respondents.

(Arijit Banerjee, J.)