

25.01.2021

p.b.
Sl. No.2.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. 28982 of 2017

Tribhanga Murari Pal & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Arindam Das,
Mr. Biswajit Sarkar.

.....for the petitioners.

It is the case of the petitioners that the concerned State respondents have taken possession of their land comprising an area of 0.045 acre in R.S. and L.R. Plot No.3365, L.R. Khatian No.1841, 5818 and 5817 of Mouza Garibpur, J.L. No.057, P.S. Domkal, District Murshidabad (hereinafter referred to as “the said land”), but they have not been paid the acquisition compensation under the Land Acquisition Act, 1894 (in short, “the Act of 1894”). It is alleged that the petitioners were not informed any declaration under Section 6 of the Act of 1894, nor they have been paid any compensation for acquisition of the said land. According to the petitioners, they have only received a notice issued by the concerned respondents under Sub-Sections (3) and (4) of Section 9 of the Act of 1894. In terms of the said notice under sub-Sections (3)

and (4) of Section 9 of the Act of 1894, the petitioners have not received any compensation under the Act of 1894.

With the introduction of the the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (in short, “the Act of 2013”) and repeal of the Act of 1894 the petitioners assert their right to compensation in respect of the said land under Section 24 of the Act of 2013 read with Schedule-1 thereto. In spite of receipt of the demand for justice letter dated November 8, 2017 the District Magistrate Murshidabad and the Additional District Magistrate, Murshidabad, (Land Acquisition Collector), Murshidabad have not taken any steps to respond to the claim of the petitioners for higher amount of compensation as mentioned above. However, the said land has already been utilised for construction of a road.

From the affidavit of service filed by the petitioners, it appears that the copies of the application have been served upon all the respondents. However, the State respondents remain unrepresented.

Considering the above facts, the petitioners are allowed to file a fresh representation before the respondent no.2 detailing their claim for compensation under the Act of 2013 in respect of the said land within a period of two weeks from date. The respondent no.2, that is, the District Magistrate, Murshidabad is directed to dispose of the said

representation of the petitioners, with a reasoned decision and of course after granting an opportunity of hearing to the petitioners, within four weeks from the date of receipt thereof.

With the above directions, W.P.A. 28982 of 2017 stands disposed of.

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

The department is directed to issue an urgent website certified copy of the order to the petitioners upon fulfilling all requisite formalities.

(Ashis Kumar Chakraborty, J.)