

AD. 5.
March 8, 2022.
MNS.

(Through Video Conference)

WPA No. 3556 of 2020
with
CAN 1 of 2021

Sri Bimal Kumar Biswas
Vs.
The State of West Bengal and others

Mr. Tanmoy Mukherjee,
Mr. Koushik Roy,
Mr. Souvik Das,
Mr. K. R. Ahmed,
Mr. Rudranil Das

...for the petitioners.

Mr. Chandi Charan De,
Mr. Anirban Sarkar

...for the State.

Heard the learned Advocates for the parties.

Original application, being CAN 1 of 2021, is not available in the record, the photocopy of the same filed by the writ petitioner is incorporated with the record.

CAN 1 of 2021 is an application praying for expeditious hearing of the writ petition. Such prayer is allowed and the writ petition is taken up for hearing today.

CAN 1 of 2021 is disposed of accordingly.

The writ petitioner has challenged an order dated January 10, 2020, by virtue of which the representation of the writ petitioner dated September

19, 2019 was rejected. From the said representation, it appears that the contention of the writ petitioner is that the amount declared in the award insofar as the alleged acquisition of the plot no. 769 is concerned, the same has neither been tendered to the writ petitioner nor the same has been deposited before the Civil Court.

It appears from the order that the awarded amount is still lying in the Treasury. Mere issuance of cheque is not sufficient compliance of the provisions of the relevant statute. The order does not speak of the steps taken for payment of compensation.

On a perusal of the order dated January 10, 2020 it does not appear that the Land Acquisition Collector, North 24 Parganas, has considered such aspect of the matter. The Land Acquisition Collector also did not return any finding on the effect and consequences of non-payment of compensation money/non-deposit of the same as per law before the Civil Court. The said order is devoid of any reasons.

In view thereof, the order dated January 10, 2020 is set aside. The Land Acquisition Collector, North 24 Parganas, is directed to consider the said representation dated September 19, 2019 afresh and pass a reasoned order in the light of the above observation, upon giving opportunity of hearing to all the interested parties, insofar as the claim of the writ

petitioner with regard to plot no. 769 within Mouza-Malancha, under JL No. 11 in the District of North 24 Parganas, is concerned, within a period of three weeks from date. Needless to mention that such order shall be communicated to the writ petitioner within a week thereafter.

WPA No. 3556 of 2020 is disposed of with the aforesaid direction.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Hiranmay Bhattacharyya, J.)