

28.09.2022
rc/ct.no.10
Item No.57

WPA No. 7416 of 2022

Dr. Debabrata Karan
Mr. Debopriyo Karan ...for the petitioner

Mr. Sirsanya Bandyopadhyay
Mrs. Tapati Samanta ...for the State

Report in the form of affidavit submitted by the learned counsel appearing on behalf of the State-respondents is taken on record.

Heard learned counsels appearing on behalf of the parties.

It appears from the order impugned that since no proposal for acquisition of the plot in question was received by the Special Land Acquisition Officer, South 24-Parganas, the question of payment of compensation by the said department did not arise.

It is not in dispute that the land of the petitioner has been utilised for the purpose of construction of ring bandh by the State-respondents. A letter issued by the Sub-Divisional Officer, Gosaba Irrigation Sub-Division on 10.02.2015 to the Executive Engineer, Jaynagar Irrigation Division demonstrates that land acquisition proposal was requested to be initiated.

It is submitted by the learned counsel appearing on behalf of the petitioner that no further step was taken by the authority pursuant to the said letter. He prays for a direction upon the concerned authority to initiate proceedings for acquisition of the plot in question and pay

compensation to the petitioner in terms of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as "the Act of 2013").

Since admittedly the plot of land owned by the petitioner has been utilised by the respondent and a proposal for initiating acquisition proceeding is pending before the Irrigation Division, the said authority should be directed to initiate acquisition proceedings under the Act of 2013 at the earliest and consider payment of compensation to the petitioner upon taking the said proceedings to its logical conclusion.

In view of the above, the writ petition is disposed of directing the 6th respondent to act in terms of the letter issued to him on 10.02.2015 by the Sub-Divisional Officer, Gosaba Irrigation Sub-Division and initiate land acquisition proceedings under the Act of 2013 within two months from the date of communication of this order.

The 6th respondent is further directed to take the proceedings to its logical conclusion in accordance with law upon affording reasonable opportunity of hearing of to all the interested parties including the petitioner and take necessary steps for payment of compensation to the petitioner at the earliest preferably within a period of six months thereafter.

With the above observations and directions this writ petition is disposed of.

There shall be, however, 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 furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)