

WPA 9543 of 2007

Mr. Amal Krishna Saha
Mr. Souvik Sarkar
...for the petitioner
Mr. Ayan Banerjee
Ms. Debasree Dhamali
...for the State

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent Land Acquisition Collector, Midnapore to make a full payment of compensation in lieu of land acquired in 1979-80 within a stipulated time or in the alternative, release an unused land from acquisition.

Learned counsel appearing on behalf of the petitioner submits as follows. In October, 1979, the Land Acquisition Collector issued notice upon the petitioner. On 19.10.1979, date was fixed for payment of compensation. On 07.02.2000, representation was made by the petitioner through his learned advocate. Thereafter, several representations were made by the petitioner through his learned advocate. But, the same did not yield any fruitful result. Accordingly, the present writ petition was filed. During pendency of the application, the respondent authorities have paid compensation. Some amount of compensation was paid in 1979. During pendency of the writ petition, more sums were paid purportedly in lieu of compensation. However, the same is not commensurate with the location and potential value of

the property. Accordingly, the petitioner made a representation before the Land Acquisition Collector, Paschim Midnapore in L.A. Case No. 29/1979-80. The same is pending. In the meantime, the petitioner made an application before the Land Acquisition Collector in L.A. Case No.29 on 20.10.2014 praying for determination of correct compensation for the lands acquired. At present, the petitioner would only pray for a direction upon the concerned authority to consider the application.

Learned counsel appearing on behalf of the State submits as follows. In 1979 itself bulk of the compensation amount was paid. Again in 2013, the rest of the money was paid as compensation for acquisition of the land in question. However, since an application has been filed on behalf of the petitioner praying for determination of correct compensation, the Land Acquisition Collector, Paschim Midnapore would be in a position to consider and decide the same.

I have heard the submissions of the learned counsels appearing on behalf of the parties and have perused the writ petition and the supplementary affidavit.

It appears that some amount of compensation have already paid in lieu of the acquisition of land. But, the petitioner's contention is that the correct value of compensation has not been given to him and accordingly, he has made an application before the Land Acquisition Collector, Paschim Midnapore, which is pending.

In view of the above I dispose of the writ petition with a

direction upon the respondent no.2 to consider the application filed by the petitioner in this regard in accordance with law, within two months from the date of communication of this order.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)