

WPA 11771 of 2018

Tapan Bar & Ors.
Vs.
The State of W.B. & Ors.

Mr. Swapan Kr. Kar ...for the petitioners.

Mr. Susovan Sengupta
Mr. M. K. Sahdu ...for the State.

Heard learned counsels for the parties.

The petitioners pray for a direction upon the concerned authority to act in terms of the order passed by the Special Land Acquisition Officer, South 24 Parganas on 22nd September, 2017 declaring the petitioners to be entitled to compensation.

Learned counsel for the petitioners submits that despite such order being passed in the year 2017 no steps have been taken by the authority for assessment or grant of compensation to the petitioners.

Per contra, it is submitted on behalf of the State respondents that upon issuance of declaration under Section 4(1) of the Land Acquisition Act, 1894, the land in question has vested with the State and the petitioners may be entitled to get compensation for the same, in accordance with the Act of 1894 and not in accordance with the 2013 Act.

Upon considering the submission made on behalf of the parties, this Court is inclined to hold that since the

entitlement of the petitioners to compensation was decided by the authority by an order passed on 22nd September, 2017, the concerned authority should be directed to act in accordance with the said order and assess adequate compensation including statutory benefits payable to the petitioners, in accordance with law.

Accordingly, the writ petition is disposed of directing the 3rd respondent to act in terms of the order passed by the concerned authority on 22nd September, 2017 and assess adequate compensation including the statutory benefits payable to the petitioners, in accordance with law. The entire exercise should be completed within a period of two months from the date of communication of this order upon affording reasonable opportunity of hearing to all the interested parties including the petitioners, in accordance with law.

The decision taken by the authority shall be communicated to the petitioners within a week thereafter.

With the above observations and directions the writ petition being WPA 11771 of 2018 is disposed of.

However, there shall be 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 supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)