

February 24, 2022

ARDR

(13)

WPA 14254 of 2021

Utpal Mondal & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Amit Kumar Pan,

Ms. Tanusree Santra,

...for the petitioners.

Mr. Chandi Charan De,

Mr. Soumitra Bandyopadhyay,

Mr. Haripada Maity,

...for the State.

Affidavit in reply filed by the petitioners is taken on record.

The petitioners claim to be the owners of land measuring 0.07 acres, 1.60 acres, 0.60 acres, 0.16 acres, 0.11 acres and 0.98 acres in R.S. plot nos. 361, 355, 356, 358, 404 and 405 respectively by virtue of inheritance from their predecessor-in-interest who was the original owner thereof. The State respondents took possession of portions of the said plot on 4th April, 1991 for the purpose of construction of road from Bowali to Putkhali. No award has been declared and no compensation paid to the petitioners for the same till date. The petitioners have prayed for payment of compensation and damages and also occupational charges from 1st April, 1997.

In the report submitted by the State respondents the respondents have disputed the title of the petitioners in respect of some of the plots and have

stated that the petitioners are co-sharers in respect of other plots. The report indicates that the State respondents are agreeable to purchase the land in question directly from the petitioners in terms of notification no. 756-LP/1A-03/14 (Pt.-II) dated 25th February, 2016. The petitioners agree to the said proposal of the respondents.

In view of the above, the writ petition is disposed of directing the third respondent to initiate proposal for direct purchase of the land from the petitioners and send it to the second respondent within one month from date. The second respondent shall deal with the said proposal and take the same to its logical conclusion within a period of three months from the date of receipt thereof after giving reasonable opportunity of hearing to all the interested parties including the petitioners, in accordance with law.

The petitioners shall produce all relevant documents before the authority to substantiate their claim at the time of hearing.

With the aforesaid observations and directions WPA 14254 of 2021 is disposed of. However, there shall be no order as to costs.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)