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06.04.2022
Ct. No.10
b.das

WPA 15370 of 2017

Gurucharan Hansda & Anr.
Vs.
The State of W.B. & Ors.

Mr. Lalratan Mondal
...for the petitioner.

Mr. C.C. De
Mr. R. Rajak
...for the State.

Liberty is granted to the petitioners to implead the Special Land Acquisition Officer, Jhargram as respondent No.9 to the writ petition. The cause title of the writ petition be amended accordingly.

Heard learned counsels for the parties.

The grievance of the petitioners is that the plot of land owned and occupied by them was acquired by the respondent authorities vide LA Case No.86/73-74, but no compensation was paid to the petitioners for the same.

Referring to the affidavit-in-opposition submitted by the respondents, learned counsel for the State respondents has submitted that in view of the fact that despite acquisition of the plot in question by virtue of requisition under Section 3(1) of Act II of 1948, no award could be declared within the lifetime of the Act of 1948 which expired with effect from 1st April, 1997, the acquisition case lapsed and no compensation was granted

to the petitioners. There may be direction upon the State authorities to initiate the process for direct purchase of the plot in question from the petitioners within a stipulated time frame or initiate acquisition proceedings under the Act of 2013 (Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013).

It is evident from the affidavit-in-opposition filed by the State respondents that no compensation was granted to the petitioners in lieu of acquisition of their land and possession thereof being taken.

Upon consideration of the submissions made on behalf of the parties, the writ petition is disposed of directing the respondent No.9 to initiate a proposal for direct purchase of the plot in question from the petitioners and complete the entire exercise within three months from the date of communication of this order. In the alternative, the State respondents are directed to initiate proceeding for acquisition of the plot in question under the Act of 2013 and take the proceeding to its logical conclusion within three months from the date of communication of this order.

With the above directions and observations the writ petition being WPA 15370 of 2017 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.)