

31
22.02.2022
Ct. No.10
b.das

W.P.A. 15269 of 2021

(Via Video Conference)

Dibakar Roy & Anr.
Vs.
State of W. B. & Ors.

Mr. Arindam Chattopadhyay
Ms. Lipika Chatterjee
...for the petitioners.
Ms. Indrani Chakraborty
Ms. Soma Chakraborty
...for the respondent Nos.5 & 6.

Mr. Chandi Charan De
Ms. R. Rahaman
...for the State.

Heard learned counsels for the parties.

It is contended on behalf of the petitioners that the plot of land owned by the petitioners was acquired on the basis of notification No.82 L.A. II dated 3rd January, 1979 for the purpose of Farakka Barrage project, but no compensation has been paid to the petitioners in lieu of the same till date.

Pursuant to directions of co-ordinate Benches of this Court passed on 19th June, 2002 in WP 7908 (W) of 2002 and 16th January, 2019 in WP 25529 (W) of 2014, the issue of grant of compensation was taken up by the Special Land Acquisition Officer, Murshidabad and upon consideration of the submissions made on behalf of the petitioners as

well as the documents produced before him, the Special Land Acquisition Officer, vide order dated 30th May, 2019 held that the Farakka Barrage Project Authority had no option but to purchase the land in question from the petitioners in terms of the prevailing policy of the Government of West Bengal vide its notification being No.756-LP/1A-03/14 (Pt. II) dated 25th February, 2016. The authority was advised to take necessary action for payment of compensation to the petitioners.

The petitioners complain that no further communication has been made to the petitioners despite applications being filed before the General Manager, Farakka Barrage Project in this regard on 2nd September, 2019 and 27th August, 2022.

A copy of letter submitted by the respondent Nos.4, 5 & 6 clearly demonstrates that the land in question will be purchased through the Zilla Parishad and fund for the same shall be allotted to the Zilla Parishad by the authority, for payment to the land owners through their bank accounts.

The innocuous prayer of the petitioners is for compliance of the terms of the said letter by the respondent Nos.4, 5 & 6.

In view of the admission of the Farakka Barrage Authority in the said letter that the plot in question shall be purchased by the authority through the Zilla Parishad and payment shall be made by them into the bank account

of the petitioners, the writ petition is disposed of directing the 4th, 5th and 6th respondents to comply with the terms of the letter dated 26th September, 2019 at the earliest.

The Zilla Parishad being the 7th respondent herein shall take necessary steps in terms of the proposal accordingly.

Proposal for direct purchase of the land in question shall be floated within a month from date and the entire exercise including the payment in favour of the petitioners be completed within a period of three months from the date of floating of the proposal for direct purchase, after giving 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 this writ petition being WPA 15269 of 2021 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.)