

March 08, 2022
ARDR
(14)

WPA 16292 of 2021

Farhad Ali
Vs.
The State of West Bengal & Ors.

Mr. Sarbananda Sanyal,
Mr. Suvovan Sengupta,
Mr. Subir Pal,
...for the petitioner.
...for the State.

It is submitted on behalf of the petitioner that the original plot being no. 840 belonging to the petitioner was acquired by the State respondents vide L.A. case no. 4/31/2012-13 and declaration was issued under Section 6 of the Land Acquisition Act, 1894. Award was declared in respect of the entire 99 decimals of land in favour of the petitioner. Subsequently the petitioner sold out 66 decimals of land therefrom to one Iyasin Sk. and Bata Dag being no.840/1280 comprising 66 decimals of land sold out to Iyasin Ali was culled out from original plot no. 840, now comprising 33 decimals.

In view of the same, the petitioner claims compensation with regard to 33 decimals of land owned by him at present.

It is submitted on behalf of the State respondents that the award in respect of the entire 99 decimals of land has been declared as non verified

award and in view of a dispute with regard to title of the said land, the matter has to be referred to civil Court having jurisdiction over the area in which the land is situated.

It is not in dispute that the entire 99 decimals of land belonged to the petitioner and the petitioner claims to have sold out 66 decimals therefrom to one Iyasin Sk. By an order dated 17th February, 2022 passed by this Court in an earlier writ petition being WPA 16295 of 2021 filed by Iyasin Sk., the State respondents were directed to disburse the compensation in favour of Iyasin Sk. to the extent of his share of 66 decimals in the plot in question. Therefore, compensation with regard to the remaining 33 decimals as claimed by the petitioner ought to be disbursed in his favour. There is in fact no dispute with regard to the title in respect of the land in question.

In view of the same, the writ petition is disposed of in terms of prayer (A).

The competent authority is directed to disburse the compensation in favour of the petitioner with regard to his share of 33 decimals in the plot in question within a period of two months from the date of communication of this order after giving reasonable opportunity of hearing to all the effected parties including the petitioner, in accordance with law.

With the above observation and directions, WPA 16292 of 2021 is disposed of. However, there shall be no order as to costs.

Since no affidavits are invited, the allegations contained in this writ 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.)