

27
17.02.2022
Ct. No.10
b.das

W.P.A. 16295 of 2021

(Via Video Conference)

Iyasin Sk.
Vs.
State of W. B. & Ors.

Mr. P. P. Roy ...for the petitioner.

Mr. Soumitra Bandyopadhyay
Mr. A. Sen ...for the State.

Heard learned counsels for the parties.

It is contended on behalf of the petitioner that the petitioner purchased 66 decimals of land in J.L. No.63, Plot No.840 by virtue of a registered deed dated 3rd May, 1976 and his name has been duly recorded in the Record of Rights.

The original plot being No.840 was subsequently divided into two parts. The Plot no. 840 comprising 33 decimals belongs to the erstwhile owner Md. Farhad Ali and the Bata Dag being 840/1280, comprising 66 decimals belongs to the petitioner.

The entire land comprising 99 decimals was acquired vide LA Case No.4/31/2012-13 and declaration was issued under Section 6 of the Land Acquisition Act, 1894. Award was declared qua the entire 99 decimals of land in favour

of Md. Farhad Ali. The petitioner claims disbursal of award in respect of his portion of the property, that is, 66 decimals of land.

It is admitted by the State respondents in the report submitted by the Special Land Acquisition Officer, South 24 Parganas that 99 decimals of land in RS Plot No.840 was acquired and Md. Farhad Ali has been recorded as awardee to the compensation for the same.

Purchase of 66 decimals of land by the petitioner is supported by deed dated 3rd May, 1976.

There is in fact no dispute with regard to the acquisition of the property or compensation declared for the same. In view of purchase of a portion of the property by the petitioner, the petitioner is entitled to compensation with regard to the portion of property, that is, 66 decimals, purchased by him.

The State authorities should only take necessary steps for apportionment of the compensation payable to the petitioner in this matter.

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

The State respondents are directed to disburse the compensation in favour of the petitioner in tune with his share of 66 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 interested parties including the petitioner, in accordance with law.

With the above observations and directions this writ petition being WPA 16295 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.)