

WPA 16924 of 2022

Basudeb Mahali @ Basu Mahali & ors.
Vs.
The State of West Bengal & ors.

Adv. Lal Ratan Mondal,
Adv. Avik Kumar Das,
Adv. Dilip Kumar Sadhu,
...for the petitioners.
Adv. Soumitra Bandyopadhyay,
Adv. Subhasis Bandyopadhyay,
...for the State.

Written instructions submitted by the State respondents is taken on record.

Heard learned counsels for the parties.

The earlier order of this Court passed on 17th August, 2022 refers to the reasoned order passed by the Special Land Acquisition Officer in compliance with an earlier order of this Court in WPA 2446 of 2022 on 28th March, 2022. The reasoned order passed on 12th May, 2022 records that the matter be referred to the Land and Land Reforms and Refugee Relief and Rehabilitation Department, Government of West Bengal as well as the requiring body for taking a decision regarding the mode of determination and payment of compensation in respect of the acquired land.

The State respondents have not come up with any instruction in this regard as directed and the written instruction submitted by the State respondents is contrary to the observations made in the reasoned order and therefore, cannot be taken into consideration.

In view of the above, this Court is inclined to hold that since the order dated 12th May, 2022 has not been challenged by the respondent authorities the 4th respondent should be directed to act in terms of the said order passed by the Special Land Acquisition Officer, Jhargram and take a decision regarding mode of determination and payment of compensation to the petitioner in respect of the acquired land within two months from the date of communication of this order and pay compensation to the petitioner accordingly within a month thereafter.

Accordingly, the writ petition is disposed of directing the 4th respondent to act in terms of the order passed by the Special Land Acquisition Officer, Jhargram on 12th May, 2022 and take a decision regarding mode of determination and payment of compensation to the petitioner in respect of the acquired land within two months from the date of communication of this order and pay compensation to the petitioner accordingly within a month thereafter.

With the aforesaid directions, WPA 16924 of 2022 is disposed of. There shall however, 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 furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh, J.)