

WPA 17068 of 2022

Chhaleman Laskar @ Soleman Laskar
Vs.
The State of W. B. & Ors.

Mr. Jaharlal Ray
Ms. Kavita Rani ...for the petitioner.

Mr. Chandi Charan De
Ms. Reshmi Rehman ...for the State.

Heard learned counsels for the parties.

The petitioner claims to be recorded owner of the plot in question and complains that though the plot in question was acquired for reconstruction of embankment of river Matla, no compensation has been paid to the petitioner till date.

A notice under Section 9 (3) and (4) read with Section 11 of the Land Acquisition Act, 1894 was issued upon the petitioner calling upon the petitioner to appear before the authority on 14th December, 2015.

It is submitted on behalf of the petitioner that though the petitioner appeared before the authority on the relevant date no further communication has been made to him by the authority declaring the compensation payable to him.

It is further submitted that the petitioner is entitled to compensation in accordance with the Right to Fair

Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

It is submitted on behalf of the State respondents that the concerned authority being the 5th respondent be directed to complete the proceeding and communicate a reasoned order to the petitioner, in accordance with law.

Upon consideration of submission made on behalf of both the parties and material on record, the writ petition is disposed of directing the 5th respondent herein to complete the process initiated by him in terms of the notice issued under Section 9 (3) and (4) read with Section 11 of the Land Acquisition Act, 1894 within two months from the date of communication of this order after affording reasonable opportunity of hearing to all the interested parties including the petitioner, in accordance with law.

The 5th respondent is further directed to consider whether the petitioner is entitled to compensation under the Act of 2013.

The decision taken by the authority shall be communicated to the petitioner within a week thereof.

With the above observations and directions, the writ petition being WPA 17068 of 2022 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.)