

January 05, 2022

ARDR

(15)

WPA 17666 of 2021

Raj Kumar Sen

Vs.

The State of West Bengal & Ors.

Mr. Gourav Purakayasth,
Ms. Sushmita Choudhury

...for the petitioner.

Mr. Chandi Charan De,
Mr. Soumitra Bandyopadhyay,

...for the State.

Liberty is granted to the petitioner to implead the 1st L.A. Collector, 5, Bankshall Street, Kolkata – 700001 as respondent no.9 in the writ petition.

The cause title of the writ petition be amended accordingly.

It is contended on behalf of the petitioner that the property in question is *Debttar* property and is managed and supervised by the Trust. The property was acquired by the State Government in May, 1961 for implementation of a public project for educational purpose and the 2nd respondent determined the compensation for the same and passed an award on March 24, 1964 in L.A. Case no. 1-D-II of 1963-64. The awarded sum, according to the petitioner, is lying with the 1st L.A. Collector, the added respondent no.9 herein. Aggrieved by the award declared, a reference under Section 18 of the Land Acquisition Act, 1894

was made by the petitioner which was registered as L.A. Case no. 138 of 1977 (V) and award was passed by the learned Land Acquisition Judge. The then trustees filed an execution case for disbursal of the award amount which was also disposed of. But no amount has been received by the petitioner as yet. The petitioner prays for a direction upon the concerned authority to disburse the amount in favour of the petitioner at the earliest.

It is submitted on behalf of the State respondents that the petitioner has his remedy before the learned Land Acquisition Judge, who shall take necessary steps for disbursal of the amount.

It appears from a letter issued by the Deputy Secretary to the Government of West Bengal to the Director of Library Services, West Bengal on 4th January, 2007 (Annexure P/6 to the writ petition) that the decretal dues amounting to Rs.84,743/- was sanctioned and released in favour of 9th respondent who was directed to deduct the income tax on the total interest payable on the amount as per rules. The Director of Library Services, West Bengal was directed to sub allot the said amount and place the same at the disposal of the 1st L.A. Collector who was authorised to act as the drawing and disbursing authority in this connection. Annexure P/7 to the writ petition indicates

that the decretal amount in connection with L.A. case no. 138 of 1977 (V) is lying with the *Nazarat* Department, Alipore.

It is already settled that the petitioner is entitled to receive both the said amounts of compensation lying with the 9th respondent and the *Nazarat* Department.

The innocuous prayer of the petitioner is for receipt of such amount.

In view of the same, the writ petition is disposed of directing the 9th respondent to take necessary steps for disbursal of the amount lying under his control as indicated in Annexure P/6 to the writ petition within two months from the date of communication of this order.

Further, the petitioner is at liberty to approach the *Nazarat* Department, Alipore for disbursal of the amount lying with the department and the 5th respondent who is in-charge of the department shall disburse the said amount within two months from the date of communication of this order. Both the amounts shall be disbursed upon verification and identification of the entitlement of the petitioner to receive the same.

WPA 17666 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 furnished to the parties on usual undertakings.

(Suvra Ghosh, J.)