

19
18.02.2022
Ct. No.10
b.das

W.P.A. 18903 of 2021

(Via Video Conference)

Sumanta Ghosh & Ors.
Vs.
State of W. B. & Ors.

Mr. Swapan Kumar Kar ...for the petitioner.

Mr. Chandi Charan De
Mr. Haripada Maity ...for the State.

Affidavit of service submitted on behalf of the petitioner is taken on record.

Heard learned counsels for the parties.

The grievance of the petitioners is that their land was utilized by the State respondents without acquisition and despite several communications made by the petitioners with the respondents, no step has been taken by the respondents for either payment of compensation or for direct purchase of the land.

In earlier writ petitions filed by the petitioners, co-ordinate Benches of this Court have also directed the authority to consider the petitioner's case at the earliest, despite which no step has been taken by the authorities.

Learned counsel for the petitioners takes this Court to page 22-23 of the writ petition, wherein by an order

dated 20th December, 2018, the Special Land Acquisition Officer, Nadia has observed as follows:-

“To ensure the meaningful implementation of the flood protection works over the plots of land, there is a guideline for direct purchase from land owners framed by the Land and Land Reforms Department in Memorandum No.756-LP/LA-03/14 (Pt-II) Dated 25.02.2016.

For addressing the deprivation of their property, it is necessary to purchase the land from the lawful owners in strict compliance of the basis tenets of the guideline.

Therefore, the Executive Engineer is directed to take up the matter with his administrative department to follow the policy of land purchase directly from the land owners.”

The order of the Special Land Acquisition Officer dated 20th December, 2018 demonstrates that the authority directed that necessary steps be taken for purchase of the land from the petitioners on the basis of the guidelines laid down in the Memorandum dated 25th February, 2016 issued by the Land and Land Reforms Department, Government of West Bengal.

Learned counsel for the State respondents submits that the 5th respondent be directed to take necessary steps for direct purchase of the property in question within a stipulated period of time.

Having considered the submissions made on behalf of the parties as well as the order of the Special Land Acquisition Officer, Nadia, the writ petition is disposed of directing the 5th respondent to initiate proposal for direct purchase of the land in question to the petitioners and complete the entire process of such direct purchase and

payment of the valuation of the land as assessed according to the present market rate to the petitioners within a period of four months from the date of communication of this order after affording reasonable opportunity of hearing to all the interested parties, including the petitioners, in accordance with law.

The decision taken by the authority shall be communicated to the petitioners within a week thereafter.

With the above observations and directions this writ petition being WPA 18903 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.)