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jdt.

18.11.2022
jb.

W.P.A. 18933 of 2022
(Binoy Ch. Das and Others vs. State of West Bengal & Ors.)

Mr. Mukteswar Maity
.... For the Petitioners

Affidavit of service filed by the petitioners is taken on record.

None appears for the respondents.

Mr. Soumitra Bandyopadhyay who is present in Court and usually appears for the State is requested to represent the State in this matter. His appointment be regularised by the office of the learned Legal Remembrancer.

The petitioner is directed to serve copy of the writ petition along with annexure thereto to Mr. Bandyopadhyay in course of this day.

Heard learned counsels for the parties.

The contention of the petitioners is that the State respondents have utilised a portion of the petitioners' land for construction of river embankment without acquiring the same.

It is submitted on behalf of the State respondents that a joint field verification is necessary in order to ascertain whether any portion of the petitioners' land has been utilised by the State without acquisition and also for demarcation of such portion.

Upon consideration of the submission made on behalf of the parties, this Court is of the view that the Executive Engineer, Irrigation & Waterways Division being the 6th respondent herein shall hold a field verification in presence of all the interested persons including the petitioners in order to assess whether any portion of the land in question has been utilised without acquisition and the exact quantum of such land. Such exercise shall be concluded within a period of four months from the date of communication of this order. Report of such field verification be placed before the Special Land Acquisition Collector, the 5th respondent herein for consideration of compensation, if any, upon service of a copy of the same to the petitioners and in the event it is found that the petitioners are entitled to compensation, such compensation shall be paid within a period of three months from the date of receipt of the report upon giving opportunity of hearing to the interested parties including the petitioners.

It is made clear that this Court has not gone into the merits of the case and the petitioners shall be at liberty to place their contentions as stated in the writ

petition, before the concerned authority at the time of hearing.

The writ petition is disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)