

25.04.2024
Item No.07
Court No.6.
S. De

C.P.A.N. 1459 of 2022
arising out of
MAT 904 of 2022
in
RVW 184 of 2022
Kartik Chandra Kapas & Ors.
Vs
Bikash Naskar & Anr.

Mr. Saptanshu Basu, Sr. Adv.,
Ms. Chaitali Bhattacharyya,
Mr. Mrinal Kanti Ghosh,
Mr. Chandra Nath Sarkar, ...for the petitioners.

Mr. Soumitra Bandyopadhyay,
Mr. Aniruddha Sen,
...for the alleged contemnors.

The relevant writ petition was allowed by the learned Single Judge by passing an order in terms of prayer (a) of the writ petition which reads as follows :

“A writ in the nature of mandamus commanding the respondent authorities to take steps for payment of compensation in respect of the acquired raiyati lands of your petitioners measuring about 46.5 decimals at the market rate for construction of road as specifically mentioned in the application dated 18.07.2020 being Annexure “P-3”.”

The Division Bench did not interfere with that order. The review application filed in connection with the Division Bench’s order was also not successful.

The learned Single Judge directed compensation to be paid in respect of approximately 46 decimal of land. The Division Bench by its original order as also the order disposing of the review application affirmed the same.

Today, the State or any of its officer cannot be permitted to contend that in fact less than 46 decimal of land was utilized for constructing the concerned road and the petitioners are entitled to receive compensation only in respect of approximately 30 decimal of land.

Mr. Bandyopadhyay, learned advocate appearing for the alleged contemnors shall come back with instructions in the aforesaid regard. Learned advocate shall also consider the point that if Plot No. L-10 (see page 8 of the exception in the form of affidavit to the report filed by Block Development Officer) which was originally valued at Rs.20.995 is now revalued at Rs.1,16,640, then why the other plots which are contiguous and in the same zone, should not be valued at the same rate. On this point also instruction should be obtained by Mr. Bandyopadhyay.

List this contempt petition again on May 10, 2024.

(Arijit Banerjee, J.)

(Rai Chattopadhyay, J.)