

15.02.2022
rc/ct.no.10
Item No.13

WPA No. 9117 of 2020
Sri Kartik Chandra Kapas & Ors.
Versus
The State of West Bengal & Ors.

(VIA VIDEO CONFERENCE)

Mr. Saptangsu Basu	
Mr. Mrinal Kanti Ghosh	...for the petitioners
Mr. Soumitra Bandopadhyay	
Mr. Aniruddha Sen	...for the State

Respondent no. 11 is not represented despite service of notice.

Petitioners are recorded owners of the plot in question and submit that the plot has been utilised by the Panchayet authority, respondent no. 11 herein, for the purpose of construction of road without requisition and acquisition of the said land. No compensation has been paid to the petitioner for the same.

The report submitted by the learned counsel appearing on behalf of the State respondents indicates that 10 feet wide road has been constructed under the Mahatma Gandhi National Rural Employee Guarantee Scheme over the plot in question, which is being utilised for public purposes, meaning thereby that the plot has been utilized. There is nothing on record to suggest that the plot was acquired or compensation paid for the same.

The contention of the petitioners in the writ petition remains uncontroverted .

In view of prima facie possession of the petitioners as transpires from the record of rights submitted by them, the writ petition may be disposed of in terms of prayer (a) of the writ petition.

In view of the above, the writ petition is disposed of directing the 11th respondent to take necessary steps for assessment of compensation payable to the petitioners and payment of the same to them qua the plot in question at the present market rate.

It is expected that such exercise shall be completed within a period of two months from the date of communication of this order.

With the above observations and directions this writ petition being WPA No. 9117 of 2020 is disposed of.

There shall be, however, 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 upon compliance of necessary formalities.

(Suvra Ghosh,J)