

03. 21.03.2023
Court No.6
Tanmoy Ghosh

FMA 1022 of 2021

**Manas Kumar Chandra & Ors.
-Versus-
The State of West Bengal & Ors.**

**With
IA No: CAN/1/2020 (Old No: CAN/843/2020)**

Mr. Sankha Subhra Ray, Adv.

...for the appellants/applicants.

Mr. Pantu Deb Roy, Ld. AGP,
Mr. Pannalal Bandopadhyay, Adv.

...for the State.

Supplementary affidavit filed by the applicants/
appellants in Court today be kept with the records.

By consent of the parties, the appeal and the
connected application are taken up together for hearing.

The order under appeal dated November 27, 2019,
was passed in W.P. 21608(W) of 2019, which is still
pending before the learned Single Judge.

The appellants/writ petitioners approached the
learned Single Judge with the grievance that their land has
been taken over; the acquisition proceedings lapsed, but
they have not received compensation. The learned Judge
recorded that the writ application is for releasing
compensation in terms of Right to Fair Compensation and
Transparency in Land Acquisition, Rehabilitation and
Resettlement Act, 2013 (hereinafter referred to as the

“2013 Act”), which was the main prayer in the writ petition. Since at that time SLP No. 8453 of 2017 was pending before the Hon’ble Supreme Court of India pertaining to interpretation of Section 24 of the 2013 Act and the Hon’ble Supreme Court, by an order dated February 21, 2018, had requested the High Courts not to deal with cases relating to interpretation of Section 24 of the 2013 Act, the learned Judge adjourned the matter *sine die* with liberty to mention when situation so arises.

Being aggrieved, the writ petitioners are before us by way of this appeal.

The aforesaid Special Leave Petition stands disposed of. The Hon’ble Supreme Court has decided in what manner Section 24 of the 2013 Act has to be construed. We do not see how the present appeal is maintainable. The appellants should approach the learned Single Judge by mentioning the matter and have the writ petition heard out before the learned Single Judge having determination.

We have not gone into the merits of the case at all.

The appeal being FMA 1022 of 2021 and the connected application being IA No: CAN/1/2020 (Old No: CAN/843/2020) are accordingly disposed of.

Let urgent photostat certified copy of this order, if applied for, be made available to the parties, upon compliance with all requisite formalities.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)