

24.07.2023
rc/ct.no.10
Item No.13

WPA No. 1035 of 2023
Sasanka Dirghangi & Ors.
Versus
The State of West Bengal & Ors.

Mr. Tanmoy Mukherjee
Mr. Swapan Kumar Kar
Ms. Adrishnata Chakraborty ...for the petitioners

Mr. Chandi Charan De
Mr. Anirban Sarkar ...for the State

Heard learned counsels appearing on behalf of the parties.

It is not in dispute that the land of the petitioners was requisitioned under Section 3 of the West Bengal Land (Requisition and Acquisition) Act, 1948 and possession was taken over on February 13, 1987 for construction of a road from Jangipara to Borhal in the district of Hooghly vide L.A. Case No. 1-4/86-87. Since the award could not be declared during the life time of the Act of 1948, notice was issued to the land owners under Section 9(3A) of the Land Acquisition Act, 1894 on March 26, 2013. Final estimate was sent to the Land and Land Reforms Department and fund to the tune of Rs. 2,43,22,758/- was placed from the Executive Engineer, Highway Division -I, vide a memo dated December 14, 2012. Award in the LA Case could not be declared within the life time of the Land Acquisition Act, 1894 since no approval was received from the department.

In view of the above, learned counsel for the State-respondents submits that the State is agreeable for direct purchase of the land by the Government. The petitioners also agree to such proposal of the Government.

Learned counsel for the petitioners takes this Court to an order passed by this Court on November 30, 2021 in WP No. 16856(W) of 2014 which was filed in connection with the same acquisition case as in the present writ petition by other land losers. In the said matter too, the State agreed for direct purchase of the plot in question and the order of this Court directing initiation of the process for direct purchase and conclusion of the same within a stipulated time frame was complied with by the State, upon filing of a contempt proceeding being CPAN No. 446 of 2022 by the petitioners therein.

Upon consideration of the submission made on behalf of the parties and material on record, the writ petition is disposed of directing the 1st, 2nd and 5th respondents to initiate the process of direct purchase of the plot in question at the earliest and take necessary steps for conclusion of the same within four months from the date of communication of this order upon affording reasonable opportunity of hearing to all the interested persons including the petitioners, in accordance with law.

With the above observations and directions this writ petition is disposed of.

There shall, however, 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 furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)