

08
25.01.2023
Ct. No.10
b.das

W.P.A. 2381 of 2018

Anupam Jana @ Anup Kumar Jana
Vs.
The State of West Bengal & Ors.

Mr. Mukteswar Maity for the petitioner.

Mr. Rajendra Chaturvedi for the State.

Heard learned counsels for the parties.

The petitioner claims to be the owner of the plots in question and submits that the State respondents have utilized a portion of the said plots 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 petitioner's land has been utilized 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 9th respondent herein shall hold a field verification in presence of all the interested persons including the petitioner in order to assess whether any portion of the petitioner's land has been utilized without acquisition and the exact quantum of such land.

Such exercise shall be completed within a period of three months from the date of communication of this order. Report of such field verification be placed before the Special Land Acquisition Collector, the 4th respondent herein for consideration of compensation, if any, upon service of a copy of the same to the petitioner. In the event it is found that the petitioner is entitled to compensation, such compensation shall be paid within a period of two months from the date of receipt of the report upon affording reasonable opportunity of hearing to the interested parties including the petitioner.

It is made clear that this Court has not gone into the merits of the case and the petitioner shall be at liberty to place his contention as stated in the writ petition, before the concerned authority at the time of hearing.

With the above observations and directions this writ petition being WPA 2381 of 2018 is disposed of.

However, there shall 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 the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)