

February 10, 2023

ARDR
(6)

WPA 2729 of 2018

Sk. Mostafa & Ors.

Vs.

The State of West Bengal & Ors.

Adv. Mukteswar Maity,

...for the petitioners.

Adv. Md. T. M. Siddiqui,

Adv. N. Chatterjee,

...for the State.

Heard learned counsels for the parties.

The petitioners claim to be the owner of the plots in question and submit that the State respondents have utilized a portion of the said plots for construction of river embankment without acquiring the same.

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 petitioners in order to assess whether any portion of the petitioners' land has been utilised without acquisition and the exact quantum of such land.

Such exercise shall be completed within a period of two months from the date of communication of this order. Report of such field verification be placed before the Special Land Acquisition Officer, the 4th respondent herein, upon service of a copy of the same to the

petitioners. In the event it is found that the petitioners are 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 petitioners.

It is made clear that this court has not gone into the merits of the case and the petitioners shall be at liberty to place their contentions 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 2729 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 this order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)