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jdt.

**17.11.2023**  
**jb.**

**W.P.A. 3877 of 2023**  
**(Panchanan Giri & Anr. State of West Bengal & Ors.)**

**Mr. Partha Pratim Roy**  
**Mr. Dyutiman Banerjee**  
**.... For the Petitioners**  
**Mr. Soumitra Bandyopadhyay**  
**Mr. Priyabrata Batabyal**  
**.... For the State**

It is contended on behalf of the petitioners that they are recorded owners of land in R. S. Plot Nos. 2974, 2977 and 2982 in Mouza Debnagar, J. L. No. 052, Police Station Namkhana now Fresergunj (Coastal) by virtue of purchase vide registered deed of conveyance dated 30<sup>th</sup> June, 1999. Sometime in 2001, the State respondents initiated proceedings being L.A. case No. 4/31 of 2001-2002 under the Land Acquisition Act, 1894 in respect of the said plots for the purpose of construction of embankment and possession of the plots was taken over by the Government. No notice of proceedings was served upon the petitioners, nor any award declared during the lifetime of the Act. The petitioners claim compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

The report in the form of affidavit submitted on behalf of the State respondents clearly indicates that plot No. 2974 and 2977 have been partly used by the Government. The petitioners admit that

since the report demonstrates that plot No. 2982 was not utilised, they are entitled to compensation in respect of other two plots being Nos. 2974 and 2977.

In view of such admitted position, this Court is inclined to hold that since the plots of the petitioners have been utilised by the State respondents without acquiring the same by due process of law, the petitioners are entitled to compensation for the same in terms of the Act of 2013.

The writ petition is accordingly disposed of directing the Collector, South 24 Parganas being the 2<sup>nd</sup> respondent herein to initiate proceedings under the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 within two months from the date of communication of this order and take the proceedings to its logical conclusion within three months thereafter upon affording reasonable opportunity of hearing to all concerned including the petitioners, in accordance with law.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

**(Suvra Ghosh, J.)**