

27.02.2023
rc/ct.no.10
Item No.49

WPA No. 3155 of 2019

Mr. Sourav Sen
Mr. Swapan Kumar Kar ...for the petitioners

Mr. Soumitra Bandopadhyay
Mr. Subhasis Bandopadhyay ...for the State

Heard learned counsels for the parties.

The writ petitioners have prayed for issuance of writ in the nature of mandamus commanding the respondent authorities to determine the compensation as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 by providing physical inspection of the land acquired by the authority.

It is observed by this Court in the order passed on 24th April, 2019 that the Court is prima facie satisfied that compensation qua the land in issue has been paid by the authority pursuant to an order passed by the Hon'ble Supreme Court on 30th November, 2017 in C.A.No. 7087 of 2015, C.A.No. 7091 of 2015, C.A.No. 7088 of 2015, C.A.No. 7095 of 2015, C.A.No. 7096 of 2015. In the said order, the Hon'ble Supreme Court of India has referred to the dispute as to whether the award covers the entire land which has been acquired and also the date with reference

to which market value should have been determined. The relevant portion of the order is set out hereunder:-

“Having regard to the entirety of the situation, the High Court, by impugned order, directed determination of market value as on 18.03.1999 deeming the acquisition proceedings to have been validly completed. We affirm the said view.

Since the matter has been pending in this Court, the impugned order has not been complied with.

Since, we do not find any ground to interfere with the impugned order, while dismissing the appeals, we direct that in terms of the impugned judgment determination of market value as on 18.03.1999 be made within two months from today by way of a supplementary award. Payment in terms of the award so made, may also be made simultaneously with the making of the award.

Whatever has already been determined in terms of award dated 08.05.2002, may be paid by way of interim compensation within one month from today.

The limitation for preferring reference under Section 18 of the Land Acquisition Act, 1894 will commence from the date of the supplementary award which may now be made within two months.

Any claims for valuation may be made within one month from today before the Collector who earlier made the award. The respondents will also be at liberty to put in appearance before the Collector and make their submissions.

The appeals are, accordingly, disposed of. ”

The issue in the writ petition has been dealt with by the Hon'ble Supreme Court of India and liberty has been granted to the petitioners for preferring reference under Section 18 of the Land Acquisition Act, 1894 as well as making any claim for valuation before the Collector.

In view of the above, this Court is inclined to hold that since the issue in the present writ petition has been dealt with and decided by the Hon'ble Supreme Court of India, nothing further remains to be adjudicated in the present writ petition.

The writ petition is accordingly disposed of.

There shall be, however, no order as to costs.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)