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16.08.2023
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W.P.A. 5269 of 2023
(Amal Mondal vs. State of West Bengal & Ors.)

Mr. Golam Mostafa
Mr. Samirul Sardar
.... For the Petitioner
Mr. Soumitra Bandyopadhyay
Mr. Priyabrata Batabyal
.... For the State

Report in the form of affidavit submitted on behalf of the State respondents is taken on record.

It is not in dispute that the land owned by the petitioner has been utilised by the P.W. (Roads) without acquiring the same and process of acquisition is in progress. Pursuant to an order passed by a co-ordinate Bench of this Court on 1st August, 2011 in W.P. 25221(W) of 2010, representation submitted by the petitioner was taken up for consideration and by an order passed on 12th June, 2012, the District Magistrate and Collector, Howrah recorded that the subject plots of land have been used by the requiring body, i.e. the P.W. (Roads) without acquiring the same, for construction of road and no compensation was paid to the petitioner.

In view of the above, this Court is inclined to hold that the concerned authority being the 5th respondent herein, be directed to take necessary steps in terms of the order passed by the District Magistrate and Collector, Howrah within a stipulated time frame.

Accordingly, the writ petition is disposed of directing the 5th respondent to take necessary steps for payment of compensation to the petitioner for utilisation of the plot in question belonging to the petitioner and pay such compensation in favour of the petitioner within two months from the date of communication of this order upon affording reasonable opportunity of hearing to the petitioner, in accordance with law.

The writ petition is thus disposed of.

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.)