

19.06.2023
rc/ct.no.10
Item No.16

WPA No. 5830 of 2023
Sri Nirmal Dolui
Versus
The State of West Bengal & Ors.

Mr. Partha Pratim Roy
Mr. Dyutiman Banerjee ...for the petitioner

Mr. Soumitra Bandyopadhyay
Mr. Priyabrata Batabyal ...for the State

Affidavit of service filed by the petitioner is taken on record.

It is not in dispute that the land of the petitioner has been utilised by the State-respondents for construction of embankment but the land was neither acquired nor any compensation paid for the same. Pursuant to an order of this Court directing the concerned respondent to consider the representation submitted by the petitioner requesting payment of compensation, the Executive Engineer, Kakdwip Irrigation Division, by an order passed on April 25, 2022 recorded that he requested the Special Land Acquisition Officer for providing the estimated cost of the land of the petitioner utilised for the embankment. The order further records that the Special Land Acquisition Officer stated that the question of preparation of estimated cost for payment of compensation shall be against a formal proposal for acquisition and the matter was placed before

the District Magistrate and Collector, South 24-Parganas for preparation of the estimated cost. Communication was also made to the Joint Secretary, Irrigation and Waterways Department.

It appears that several inter departmental communications have been made for assessment of compensation payable to the petitioner since 2015 but no decision has been arrived at till date. In the result the petitioner has been suffering for non-payment of compensation though his land has been utilised long back.

In view of the above, the writ petition is disposed of directing the Principal Secretary, Irrigation and Waterways Department, being the 6th respondent herein, to take necessary steps for disbursal of the compensation due to the petitioner within two months from the date of communication of this order.

It is made clear even at the cost of repetition that the compensation assessed by the concerned authority shall be paid to the petitioner within two months from the date of communication of this order.

With the above observations and directions this writ petition is disposed of.

There shall be, however, 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 furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)