

19.06.2023
rc/ct.no.10
Item No.17

WPA No. 5849 of 2023
Sri Tarun Kanti Mondal
Versus
The State of West Bengal & Ors.

Mr. Partha Pratim Roy	
Mr. Dyutiman Banerjee	...for the petitioner
Mr. Chandi Charan De	...for the State

Affidavit of service filed in Court today is taken on record.

None appears on behalf of the State-respondents despite service.

Mr. Chandi Charan De, learned advocate, who usually appears on behalf of the State-respondents and is present in Court today, is requested to represent the State-respondents in this matter. The office of the learned Legal Remembrancer is requested to regularise the service of Mr. De in this matter.

The petitioner is directed to serve a copy of this application along with annexures thereto upon Mr. De in course of this day.

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)