

14 03.10.2023
rkd Ct.15

W.P.A. 6073 of 2018

Sk. Md. Marufuddin & Ors.

-vs-

The State of West Bengal & Ors.

Mr. Anjan Paul,
Mr. Mridul Kanti Sasmal

....for the petitioner.

Mr. Shantimoy Bhattacharya,
Mr. Ziaul Haque,
Mr. H. S. Meheta,
Ms. P. Das Ghosh

....for the respondent no.4.

Mr. Chandi Charan De,
Mr. Arindam Sarkar

....for the State.

A report in the form of affidavit affirmed by the Additional District Magistrate, Paschim Medinipur on 11th September, 2023 is perused wherefrom it appears that the statements have been made in paragraph 7 that after the interim order was passed on 23rd May, 2018 the road was not constructed on the land of the petitioners.

It further appears from paragraph 8 of the said affidavit that the project work relating to construction of land was stopped vide memo no. NPCC/PMGSY/KGP/42 dated 1st September, 2023.

In view of such statements made in paragraphs 7 & 8 in the affidavit affirmed by the Additional District Magistrate, Paschim Medinipur, this Court directs the concerned State respondents

to immediately return land in question of the petitioners, if the same has not been returned by this time.

The process of returning the land in question, if required, shall be completed within a period of four weeks from the date of communication of this order. However, the learned advocate representing the petitioners has prayed for payment of compensation since according to the petitioners the lands in question have been encroached by the respondent authorities for sometime.

In view of the direction given above by this Court today directing the respondent authorities to return the land of the petitioners, if the same has not been returned till date, the question of payment of compensation as prayed for by the petitioners is not considered by this Court now at this stage.

However, leave is granted to the petitioners to take steps in accordance with law for payment of compensation, if the land of the petitioners have been utilised by the respondents without authority of law.

With the aforesaid direction, the writ petition stands disposed of.

However, there shall be no order as to

costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)