

Form J(2)

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

WPA 7904 of 2023

**Khajemuddin Choudhury
Vs.
The Union of India & Ors.**

For the petitioner	:	Mr. Sabir Ahmed, Md. Abdur Rakib, Mr. Biswajit Sarkar, Mr. Dhiman Banerjee
For respondent No.6.	:	Ms. Indrani Chakraborty, Ms. Sarda Sha
For the State respondents	:	Mr. Chandi Charan De, Ld. Addl. Govt. Pleader, Mr. Anirban Sarkar
Judgement on	:	01.08.2023.

Bibek Chaudhuri, J.

Affidavit of service be kept with the record.

For construction of fencing along with International Boarder between the India and Bangladesh, some land was required to be acquired. Therefore, on the basis of requisition made by the BSF, L.A. Case No.7/91-92 was initiated by the L.A. Collector. In the said case, CPWD submits a proposal for acquisition of land situated at Mouza-Bakharpur, J.L. No.196 and Berail, J.L. No.195 for the

construction of IBB road and fencing. In the said proposal, plot No.401 of Mouza-Bakharpur of which the petitioner was shown as vested property. Therefore, the said plot No.401 was not reflected in the notification published in Official Gazette on 19th February, 1997. Subsequently, the said plot No.401 was divested in favour of the petitioner on 16th August, 2006. In the meantime, the process of acquisition and construction of IBB road and fencing has been completed.

Now, the petitioner has claimed compensation for the land being plot No.401 which was acquired when it was shown as vested.

It is not in dispute that the petitioner's land was utilized for the purpose of construction of IBB road and fencing. Therefore, the petitioner is entitled to get compensation in accordance with the present provision of land.

The L.A. Collector, Dakshin Dinajpur, in consultation with the Central Public Works Department, respondent No.6 herein, Balurghat Central Division –I shall jointly assess the quantum of compensation and then serve a notice to the petitioner for acceptance of award.

Entire exercise shall be concluded within 90 days from the date of communication of this order.

The instant writ petition is, thus, **disposed of**.

(Bibek Chaudhuri, J.)

Mithun De.
A.R. (Ct).
SI No.5.