

21.06.2023
KC(6)

F.M.A. 137 of 2023
Sk Mosiar Ali
-versus-
The Additional District Magistrate and Anr.

Mr. Supriyo Chattopadhyay,
Mr. Sudip Kumar Maiti.....For the appellant.

Ms. Rini Bhattacharyya.....For the respondent
no. 2.

We have closely scrutinised the impugned judgment and order of the learned District Judge, Hooghly. It has been very rightly pointed out by the learned judge that the award is prima facie lawful and does not call for interference.

We are also not minded to interfere with the said award which at this stage is under challenge.

However, Mr. Chattopadhyay, learned advocate for the appellant brought to our attention Section 31 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 providing for rehabilitation and resettlement awards “For each affected family in terms of the entitlements provided in the Second Schedule”.

In the Second Schedule ‘affected families’ have been described as “Both Land owners and the families whose livelihood is primarily dependent on land acquired”.

He submits that his client is willing to vacate the land occupied by him provided his rehabilitation is in terms of the above provision.

We direct that the Collector, Hooghly shall assess the entitlement of the appellant under Section 31 of the said Act read with the Second Schedule after giving him a short hearing and if found entitled allocate a suitable land for his rehabilitation within eight weeks of this order. The allocation shall be made as near as possible to the land now being occupied by the appellant. Within two weeks of taking possession of the allocated land the appellant shall vacate the land which he is now occupying. If the collector finds that the appellant is not so entitled to rehabilitation he shall record the same in his order. In that event the appellant would still have to vacate the land under his occupation within two weeks of the said decision by the collector with rights and remedies in law open to him.

This appeal (F.M.A. 137 of 2023) is accordingly disposed of.

(I.P. MUKERJI, J.)

(BISWAROOP CHOWDHURY, J.)

