

September 8, 2023
ARDR (12)

WPA 13980 of 2023

Sk. Allarakha
Vs.
The State of West Bengal & ors.

Adv. Panchanan Hajra,
...for the petitioner.

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

None appears for the State respondents despite service of notice.

Mr. Chandi Charan De, who usually appears for the State and is present in Court today, is requested to represent the State along with his junior Mr. Anirban Sarkar, Advocate in this matter.

Their appointment be regularised by the office of the learned Legal Remembrancer.

The petitioner is directed to serve copy of the writ petition along with annexures thereto upon Mr. Sarkar in course of this day.

The land of the petitioner was requisitioned by the State-respondents under the provisions of the West Bengal Land (Requisition and Acquisition) Act, 1948 for construction of Mundeswari Embankment. The project was subsequently abandoned and pursuant to an order passed by this Court on 29th March, 2022 in WPA 3425 of 2022 directing the State-respondents to decide the representation made by the petitioner in accordance with law, the Land Acquisition Collector, Hooghly by an

order passed on 16th November, 2022, recorded that the petitioner were entitled to get requisition compensation and damage compensation in respect of certain plots. A joint field enquiry was directed to be conducted for determination of the said compensation with a further direction to hand over possession of the land to the petitioner.

It is submitted on behalf of the petitioner that in terms of the said order, the land in question was released in favour of the petitioner. The concerned authority was unable to pay the compensation due to the petitioner since such fund was not placed before the authority by the Principle Secretary to the Government of West Bengal, Irrigation and Waterways Department, being the 6th respondent herein.

Learned counsel for the petitioner has taken this Court to a communication issued by the District Magistrate and Collector, Hooghly to the 6th respondent on 20th November, 2022 requesting release of the fund, such communication being a further reminder to the earlier request made.

Upon consideration of the submission made on behalf of the parties and the materials on record, this Court is inclined to hold that since a request for placement of fund made by the 2nd respondent to the 6th respondent has not been acceded to as yet, the 6th respondent be directed to place the required fund before the 2nd respondent for disbursement of the same in favour of the petitioner.

Accordingly, the writ petition is disposed of directing the 6th respondent to place the required fund in terms of the request made to him by the 2nd respondent, the last of it being communicated on 20th November, 2022, within two months from the date of communication of this order. On receipt of the fund, the 2nd respondent shall disburse the same to the petitioner within two weeks thereafter.

With the above observations and directions this writ petition being WPA No. 13980 of 2023 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.)