

24.08.2023
rc/ct.no.10
Item No.08&09

**WPA No. 12926 of 2021
with
CAN No. 1 of 2023
Sri Pranab Chakraborty & Ors.
Versus
State of West Bengal & Ors.
And
WPA No. 15297 of 2021
Bharat Petroleum Corporation Ltd.
Versus
State of West Bengal & Ors.**

Mr. Tapan Kumar Rakshit
Mr. Surojit Roy

..for the petitioner in WPA No.
12926 of 2021/for the
respondents no. 5 to 11 in WPA
15297 of 2021

Mr. Puspendu Chakraborty

...for the petitioner in WPA
15297 of 2021/ for the BPCL in
WPA No. 12926 of 2021

Mr. Anirban Ray, Ld. GP
Mr. Susovan Sengupta
Mr. M.K.Sadhu

.. for the State WPA No. 12926 of 2021

Mr. Soumitra Bandyopadhyay
Mr. Priyabrata Batabyal

... for the State WPA 15297 of 2021

By consent of the parties these writ petitions are treated as on day's list and taken up for consideration along with the application.

Both the matters have been elaborately dealt with by this Court by an order passed on February 02. 2023. The order records that on an application submitted by the petitioners under Section 28A of the Land Acquisition Act,

1894 before the Land Acquisition Collector for enhancement of the award, the award was re-assessed and an amount of Rs.12,10,881/- was directed to be placed by the requiring body being Bharat Petroleum Corporation Limited (in short, "BPCL") (6th respondent) in favour of the Collector, Howrah at the earliest.

The order further records that one Sayeeful Islam who is similarly placed with the petitioners also filed a reference under Section 18 of the Act of 1948 which was disposed of by the learned Land Acquisition Judge, Howrah on June 24, 2002 enhancing the amount of compensation payable to him. The said order was under challenge before the Hon'ble Division Bench of this Court for which the present writ petitions were kept in abeyance, awaiting the decision of the Hon'ble Division Bench.

It is submitted on behalf of the parties that the appeal being FA No. 104 of 2005 has been dismissed by the Hon'ble Division Bench by a judgment passed on June 13, 2023 affirming the judgment and decree dated June 24, 2022 passed by the learned Land Acquisition Tribunal, Howrah.

Since it is not in dispute that the preset petitioners are similarly circumstanced with Sayeeful Islam, nothing much remains to be adjudicated in the present writ petitions in view of the judgment passed by the Hon'ble Division Bench. The petitioners are entitled to the same relief as granted to Sayeeful Islam.

Accordingly the writ petition being WPA No. 12926 of 2021 is allowed in terms of prayer (a).

The 6th respondent is directed to deposit the re-determined award to the tune of Rs.12,10,881/- before the District Magistrate and Collector, Howrah within one month from date. The District Magistrate and Collector, Howrah, being the 2nd respondent herein, is directed to disburse the said amount in favour of the petitioners within two weeks from the date of receipt thereof.

The writ petition being WPA No. 15297 of 2021 has been filed by the requiring body, i.e., BPCL, assailing the order passed by the District Magistrate and Collector, Howrah on March 06, 2020.

In view of the judgment of the Hon'ble Division Bench and also since the order has been directed to be implemented in the earlier writ petition, this writ petition is devoid of any merit and is accordingly dismissed.

All connected applications are disposed of accordingly.

There shall however be no order as to costs.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)