

Form J(2)

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
Appellate Side**

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

WPA 15433 of 2023

**Smt. Bula Dhali
Vs.
The State of West Bengal & Ors.**

Mr. Tanmoy Mukherjee
Mr. Souvik Das
Mr. K. Raihan Ahmed
Mr. Sounava Santra
..for the petitioner

Mr. Chandi Charan De, Addl. Govt. Pleader
Mr. Anirban Sarkar
..for the State

Item No.06

Heard & Judgment on: 04.08.2023

Bibek Chaudhuri, J.

It is the case of the petitioner that she is the owner of L.R. Plot No. 188 corresponding to Khatian No. 2678, J.L. No. 31 of Mouza Ramchandrapur within P.S. Sankrail, equivalent to R.S. Plot No. 179 measuring about 0.03 acres of land. Character of the said land is

being recorded as 'Sali' (Agricultural). It is the grievance of the petitioner that the petitioner noticed that a big board has been fixed on his land under the name of Sankrail Water Supply Scheme executed by the Public Health Engineering Directorate through a private contractor. It is also the case of the petitioner that her land was never acquired under any Act whatsoever. However, the land in question is butted and bounded by a boundary wall with bamboo pole and corrugated tin. The petitioner, therefore, prays for a direction upon the respondent No.3 to demarcate her land and to assess as to whether the said land is being utilized for Sankrail Water Supply Scheme. If the said land is found to be utilized, she is entitled to get compensation according to the existing Act of 2013. It is proposed by Mr. De, learned Additional Government Pleader that the Executive Engineer, Public Health Engineering Directorate, respondent No.5 herein is the best suited person who can assess the issue raised by the petitioner and if it is found that the petitioner's land has been utilized, he can send the proposal for acquisition directly to the Land Acquisition Officer within the jurisdiction for determination for compensation.

Having heard the learned advocates for the parties I am of the view that the Executive Engineer, Public Health Engineering Directorate is the best suited person because the project is being

constructed under his official supervision. Therefore, the instant writ petition is **disposed of** directing the Executive Engineer, Public Health Engineering Directorate, Howrah Division to assess within 45 days from the date of communication of this order as to whether L.R. Plot No. 188 measuring about 0.03 acres of land has been utilized by the Public Health Engineering Department for construction of Sankrail Water Supply Scheme. If the aforesaid plot is found to have been utilized by the Public Health Engineering Department for construction of the project or for allied purposes, the Executive Engineer shall directly send the proposal for acquisition upon giving the petitioner an opportunity to produce her documents in support of her claim under the provision of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Entire exercise shall be completed within six months from the date of communication of this order.

With the above directions, the instant writ petition is **disposed of**.

(Bibek Chaudhuri, J.)