

19.09.2023
rc/ct.no.10
Item No.11

WPA No. 14593 of 2019
Sonatan Das
Versus
The State of West Bengal & Ors.

Mr. Panchanan Hazra ...for the petitioner

Mr. Soumitra Bandopadhyay
Mr. Priyabrata Batabyal for the State

The primary grievance of the petitioner is that in assessing damage compensation payable to the petitioner, the purported field inquiry held by the authority was behind the back of the petitioner and no opportunity was afforded to him to remain present during the field inquiry or participate in the assessment. The field inquiry report submitted on behalf of the respondents bears the signature of the petitioner. But there is no endorsement in the said report that such signature was made by the petitioner at the time of the field inquiry on the spot itself. There is no field note annexed to the inspection report to suggest the presence of the petitioner at the time of the field inquiry. Surprisingly the report demonstrates that the document was downloaded on December 20, 2017 whereas the alleged joint field inquiry was held on June 15, 2018.

In view of the above, this Court is inclined to hold that a fresh field inquiry is required to be held in presence of the petitioner/his authorised representative in order to ascertain the damage compensation payable to the

petitioner for the damage caused to the land during the period the land was under requisition.

Accordingly, the field inquiry/joint inspection report is set aside/quashed.

The 4th respondent is directed to hold a fresh joint field inquiry in presence of all concerned including the petitioner/ his authorised representative and assess the damage compensation payable to the petitioner within two months from the date of communication of this order, in accordance with law.

The decision taken by the authority shall be communicated to the petitioner within a week thereof.

The damage compensation as assessed by the authority be disbursed to the petitioner within one month thereafter.

With the above observation and direction this writ petition 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)