

July 25, 2023
ARDR
(14)

WPA 15185 of 2019

Jagannath Pradhan
Vs.
The State of West Bengal & Ors.

Adv. Dyutiman Banerjee,
...for the petitioner.
Adv. Chandi Charan De,
Adv. Sreelekha Bhattacharjee,
Adv. Anirban Sarkar,
...for the State.

Heard learned counsels for the parties.

It is contended on behalf of the petitioner that his land was utilised by the 4th respondent without acquiring the same by due process of law. Placing reliance on Clause 3 (xi) of the memorandum issued by the Land and Land Reforms Department, Land Policy Branch, Government of West Bengal on 1st March, 2016, learned counsel submits that according to the said clause, the base price of the land will be determined taking into account the assessed value of land or set forth value of land whichever is higher. Incentive on the price of land finally determined will be given to the land owner if land registration is done (a) within 30 days – 50% (b) within 31 to 60 days – 10%, from the date of publication, communication of land price to the land owners. For this purpose, individual land owner will be informed of the price of land in writing by the Member Secretary of the Land Purchase Committee, for registration of sale deed.

In terms of the said memorandum, the Sub-Divisional Officer, Mousuni Irrigation Sub-Division, by a letter issued to the petitioner on 10th August, 2016, requested issuance of consent letter for receipt of compensation on the basis of current ADSR determined rates. The petitioner submitted a representation before the concerned authority on 2nd August, 2017 requesting payment of the remaining part of the compensation in terms of the memorandum dated 1st March, 2016 which is yet to be considered. The petitioner prays for a direction upon the concerned authority to consider the representation at the earliest.

The report in the form of affidavit submitted on behalf of the State respondents does not disclose the date on which the finally determined price of the land was communicated to the petitioner.

Under such circumstances, this Court is inclined to hold that since the representation submitted by the petitioner for determination/payment of the remaining compensation is pending consideration by the authority, the concerned authority, being the 4th respondent herein, be directed to consider and dispose of the representation dated 2nd August, 2017 within six weeks from the date of communication of this order upon affording reasonable opportunity of hearing to the petitioner, in accordance with law.

In the event the petitioner is found entitled to further compensation, such compensation be disbursed in favour of the petitioner within a month thereafter.

With the above directions, WPA 15185 of 2019 is disposed of.

There shall however, be 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 on usual undertakings.

(Suvra Ghosh, J.)