

279
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16.01.2025
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CPAN 1158 of 2023
in
WPA 17082 of 2022

Mr. Mukteswar Maity
Ms. Nupur Choudhuri
.... For the Applicant-Petitioner
Mr. Soumitra Bandyopadhyay
Mr. Priyabrata Batabyal
.... For the alleged Contemnors
Mr. Chayan Gupta
MR. Sandip Dasgupta
.... For the Opposite Party no. 1

By the order passed on 10th February, 2023 in W.P.A. 17082 of 2022 the 3rd and 5th respondents were directed to make demarcation of the plot in question in presence of the petitioner or his authorised representative in terms of the representation submitted by the petitioner dated 30th June, 2022.

Learned counsel for the applicant-petitioner submits that though learned counsel himself was present at the spot when the demarcation was scheduled to be held, no demarcation was made at all.

In submitting a demarcation report, learned counsel for the alleged contemnor no. 2 submits that it

was found upon demarcation that the portion of the land purchased by the petitioner does not fall within the portion acquired by the State. Only sketch maps which are not to scale are annexed to the demarcation report. No field note is produced by the alleged contemnor no. 2 or the Special Land Acquisition Officer to demonstrate the process of demarcation.

In view of the fact that proper demarcation has not been made by the Special Land Acquisition Officer or the alleged contemnor no. 2 as directed, this Court thinks it fit to appoint a learned Survey Passed Commissioner of this Court to hold the said demarcation in presence of the Special Land Acquisition Officer, the alleged contemnors as well as the petitioner or his authorised representative and submit a report before this Court within two months from the date of communication of this order.

Learned Registrar General, High Court, Calcutta is requested to suggest the name of a Survey Passed Commissioner for holding such demarcation. The petitioner shall deposit Rs.20,000/- before the learned Registrar General, High Court, Calcutta as initial remuneration of the learned Commissioner.

Liberty to mention upon completion of demarcation.

(Suvra Ghosh, J.)