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20.02.2025
Ct. No.29
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IN THE HIGH COURT AT CALCUTTA
SPECIAL CIVIL JURISDICTION
APPELLATE SIDE

CPAN 1862 of 2024
in
MAT 1181 of 2019

Mahadeb Khan & Ors.
Vs.
Rajarshi Mitra
&
MAT 1181 of 2019
With
IA No: CAN 3 of 2024

The State of West Bengal & Ors.
Vs.
Mahadeb Khan & Ors.

Mr. Rabindra Narayan Dutta
Mr. Hare Krishna Halder
... For the applicants/appellants

Mr. Prasenjit Debnath
Ms. Sayani Pan
... For the respondents/writ petitioners

In re: CAN 3 of 2024

1. This application has been taken out by the State of West Bengal in a disposed of appeal. The appeal, being MAT 1181 of 2019, was disposed of by an order dated December 22, 2023. The operative portion of the said judgment and order reads as follows:

“47. In the facts of the present case, the State having deprived the writ petitioners of their property without following due process of law and without paying any compensation – which is really an act of expropriation – the State cannot be

permitted to argue that the delay on the part of the writ petitioners in approaching the Court will cause imposition of greater financial burden on the State since in the meantime the 2013 Act has come into operation and holds the field. Had the State acted in accordance with law, it could have avoided the additional financial burden, if any, that may be foisted on it by reason of compensation being calculated in terms of the provisions of the 2013 Act. In this connection one may refer to the decision of a Coordinate Bench rendered on September 29, 2022 in ***MAT 464 of 2018 (The State of West Bengal & Ors. v. Dilip Ghosh & Ors.)***.

48. In view of the aforesaid, the present appeal fails. We direct the First Land Acquisition Collector /the Competent Authority to initiate proceedings for acquiring the land of the appellants under the provisions of the 2013 Act and complete such proceedings within 4 months from date and pay the compensation amount to the respondents/writ petitioners within 4 weeks thereafter.”

2. The applicants say that subsequently, the respondents/writ petitioners made a representation dated July 15, 2024 addressed to the Special Land Acquisition Officer, Murshidabad, Berhampore, to the effect that the writ petitioners are agreeable to accept compensation in terms of the Direct Purchase Policy of the State Government, provided market value of the land plus 50 per cent is paid to them. Learned advocate for the applicants say that the applicants are agreeable to the said suggestion.

3. Learned advocate for the writ petitioners says that let a computation of the compensation payable in terms of the aforesaid representation be made and given to him for his client's consideration.

4. Let that be done.

5. Let appropriate calculation of the compensation be made and the computation sheet be supplied to the learned advocate for the writ petitioners within four weeks from date.

6. List the instant application along with the contempt application once again on March 20, 2025.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)