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04.09.2023
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W.P.A. 16898 of 2019
(Ased Ali Shah & Ors. vs. State of West Bengal & Ors.)

Mr. Partha Pratim Roy
Mr. Dyutiman Banerjee
.... For the Petitioners
Mr. Soumitra Bandyopadhyay
Mr. Aniruddha Sen
.... For the State

Report in the form of affidavit submitted on behalf of the 4th respondent is taken on record.

It is not in dispute that the land of the petitioners was utilised by the State respondents for the purpose of construction of ring bandh without acquiring the same. Obviously no compensation was paid to the petitioners. The report in the form of affidavit submitted on behalf of the 4th respondent indicates that though proposal of acquisition of the land was made by the authority no acquisition proceeding could be initiated. It also appears from a letter issued by the Additional Land Acquisition Officer, South 24 Parganas to the Executive Engineer, Kakdwip Irrigation Division, Kakdwip, South 24 Parganas on 4th September, 2014 that a joint verification was required before finalisation of acquisition and compensation. Learned counsel for the respondents is not able to apprise the Court as to whether such joint verification was held.

In view of the above, this Court is inclined to hold that since admittedly the land of the petitioners has been utilised

by the respondents and the respondents proposed to acquire the said land in accordance with law, the Executive Engineer, Kakdwip Irrigation Division, being the 7th respondent herein is directed to initiate proposal for acquisition of the land under the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 to the Special Land Acquisition Officer, South 24 Parganas, being the 4th respondent herein, as suggested by the learned counsel for the respondents, within one month from the date of communication of this order. Upon receipt of such proposal, the 4th respondent shall initiate proceeding under the Act of 2013 and take the proceeding to its logical conclusion including the payment of compensation to the petitioners, within three months thereafter.

With the above observations and directions, the writ petition is disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petitions shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)