

September 19, 2023

ARDR (9)

WPA 19543 of 2023

Haripada Gain & anr.

Vs.

The State of West Bengal & ors.

Adv. Tushar Kanti Mukherjee,

...for the petitioners.

Adv. Mrityunjoy Goswami,

Adv. Parikshit Goswami

...for the State.

Affidavit of service filed by the petitioners and the statement of facts submitted on behalf of the State respondents are taken on record.

The petitioners complain that their land has been utilised by the State without acquiring the same or paying any compensation to them.

The petitioners submitted a representation before the concerned authority on 22nd May, 2023 seeking initiation of acquisition proceedings and payment of compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, which is yet to be considered.

Placing reliance upon the statement of facts submitted on behalf of the respondents, particularly a letter issued by the Executive Engineer (PWD), Barasat Division to the Chief Engineer (Planning), P.W (Roads) Department, Government of West Bengal on 21st August, 2023, learned counsel for the respondents submits that the Government is agreeable to purchase the plot of the petitioners utilised by them by direct purchase policy. The petitioners agree to the said proposal of the Government.

In view of the above, nothing further remains to be adjudicated in the writ petition and the same is accordingly disposed of.

However, the 2nd respondent is directed to initiate process of direct purchase of the plot in question from the petitioners and conclude the same including payment of adequate valuation of the property in terms of the present market value to the petitioners within two months from the date of communication of the order, upon affording reasonable opportunity of hearing to all concerned including the petitioners, in accordance with law.

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

With the aforesaid directions, WPA 19543 of 2023 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.)