

WPA 18008 of 2007

Mr. N. G. Sarkar
Mr. Devranjan Das
...for the petitioners
Mr. Ansar Mandal, Ld. AGP
Ms. Srilekha Bhattacharyya
...for the State

This is an application filed under Article 226 of the Constitution of India praying for a direction upon the respondents to pay compensation as per Award with interest for acquisition of the scheduled land in Land Acquisition Case Nos. 2 of 1995-96 and 3 of 1995-96 without prejudice to a reference before the learned District Judge, Purba Medinipur at Tamluk.

Learned counsel appearing on behalf of the petitioners submits as follows. The husband of the petitioner no.1 had purchased the scheduled land by separate registered deeds. On 10.01.1997, the Land Acquisition Collector, Haldia issued notice for paying compensation in L.A. Case No. 2 of 1995-96. On 10.02.1997, a similar notice was issued for paying compensation in L. A. Case No. 3 of 1995-96. On 27.02.1997, the petitioner no.1 informed the Land Acquisition Collector, Haldia that the compensation assessed was insufficient and requested him to take suitable steps for payment of proper compensation. The petitioner contended that although number of trees and shop rooms were there on

the land, the same was not mentioned. Therefore, the valuation became less. However, the respondent no.3 did not refer the valuation dispute to the learned District Judge.

Learned counsel appearing on behalf of the State submits that if a direction is to be made upon the respondents to consider the representation of the petitioner, the same has to be done upon the respondent no.3.

I have heard the submissions of the learned counsels appearing on behalf of the parties and have perused the writ petition.

It appears that the representation dated 27.02.1997 made by the petitioner was not properly dealt with by the concerned respondent. The petitioner had clearly mentioned the reasons for which he was seeking more compensation.

In view of the above and in the interest of justice, the respondent no.3 is directed to consider the representation of the petitioner dated 27.02.1997 for deciding on whether to make a reference of the valuation dispute to the concerned learned District Judge, in accordance with law and after giving an opportunity of hearing to the petitioner.

The respondent no.3 shall take a decision on this within a period of six weeks from the date of communication of this order.

With these observations, the writ petition is disposed of.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied

for, upon compliance of all formalities.

(Jay Sengupta, J.)