

25 & 26
26.09.2023
Ct. No.10
b.das

WPA 15811 of 2022
Ananda Moyee Bhakat & Ors.
Vs.
The State of W. B. & Ors.
With
WPA 20275 of 2022
Sanjit Bhakat
Vs.
The State of W. B. & Ors.

Ms. Sulekha Mitra
Mr. Manas Kr. Das ...for the petitioner.

Mr. Sourav Sen
Ms. A. Chakraborty ...for respondent no.15.

Mr. Soumitra Bandyopadhyay
Mr. Priyabrata Batabyal ...for the State
in WPA 15811/2022.

Mr. Shiv Shankar Banerjee
Ms. Tanushree Das Gupta ...for ECL.

Heard learned counsels for the parties.

The scope of adjudication of the present writ petitions is limited.

The Hon'ble Division Bench of this Court in a judgment passed on October 17, 2012 in MAT No.12 of 2012 with MAT 13 of 2012 and MAT 14 of 2012 records as follows:

“The requiring body namely, the Eastern Coalfields Limited cannot remain in possession of the lands in question after lapsing of the acquisition proceedings as the title of the original owner in respect of the lands in question has revived after lapsing of the acquisition proceedings under Section 7A of Act II of 1948. The Eastern Coalfields Limited Authorities are therefore, directed to vacate the lands in question forthwith and make payment of the adequate compensation in accordance with law to the original owners of the said lands through the

concerned Land Acquisition Collector for the period under occupation.”

The said judgment was carried in appeal before the Hon’ble Supreme Court of India and by an order passed on March 9, 2018 the Hon’ble Court has refused to interfere with the order of the Hon’ble Division Bench and has observed that it will be open for the State or for the acquiring authority to take steps under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, if so advised.

The Hon’ble Division Bench has directed the Eastern Coalfields Limited to vacate the land in question and make payment of adequate compensation to the original owners of the lands through the concerned Land Acquisition Collector.

The Hon’ble Supreme Court has, in addition, granted liberty to the State or the acquiring body to take steps under the 2013 Act, if so advised.

It appears that no step has been taken by the respondents under the 2013 Act in terms of the direction of the Hon’ble Supreme Court. Therefore the respondents are left with no other alternative but to comply with the order passed by the Hon’ble Division Bench as well as the Hon’ble Supreme Court. Nothing further remains to be adjudicated in the present writ petitions.

In view of the above, the writ petitions are disposed of directing the requiring body, that is the Eastern Coalfields Limited to comply with the direction of the Hon'ble Division Bench and vacate the land in question in favour of the petitioners within two months from the date of communication of this order, in its original position and free from all encumbrances.

It is submitted on behalf of the State respondents that compensation payable to the petitioners has been calculated by the State respondents and placed before the requiring body for placing fund.

Accordingly, the requiring body is directed to place necessary funds before the Special Land Acquisition Officer, Asansol, being the 3rd respondent herein, within one month from the date of communication of this order. The 3rd respondent is directed to disburse such compensation in favour of the petitioners within another month thereafter.

However, there shall be no order as to costs.

Since no affidavit is invited, the allegations contained in the petitions are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)