

WPA 21459 of 2017

Md. Abdus Sattar
Vs.
The State of W.B. & Ors.

Mr. Animesh Mukherjee ...for the petitioner.

Mr. Soumitra Bandyopadhyay
Mr. Priyabrata Batabyal ...for the State.

Written Notes submitted on behalf of the State respondents is taken on record.

Heard learned counsels for the parties.

The petitioner claims to be the owner of the plot in question and initially challenged the acquisition proceedings in respect of the said plot. Today, learned counsel for the petitioner submits, on instructions, that since a college has been established on the plot in question, the petitioner does not intend to challenge the legality and validity of the acquisition as on this date. The petitioner only claims compensation in lieu of such acquisition.

It appears from the written notes submitted on behalf of the respondents and is also submitted on behalf of the respondents that there is no document available with the department to indicate that compensation was paid to the petitioner/his predecessor-in-interest for acquisition of the plot in question.

This Court is inclined to hold that in the event the State respondents are unable to substantiate payment of compensation in respect of the acquired portion of the land in favour of the petitioner/his predecessor-in-interest earlier, such compensation be paid to the petitioner upon verification of the identity of the petitioner as well as his right, title and interest in respect of the plot in question.

In view of the above, the writ petition is disposed of with liberty to the petitioner to submit a comprehensive application along with relevant documents in support of his claim before the 2nd respondent within 10 days from date. The 2nd respondent is directed to consider and dispose of the application within two months from the date of receipt thereof upon affording reasonable opportunity of hearing to all the interested persons including the petitioner and taking into consideration the documents placed by the petitioner as well as submission made by him, in accordance with law.

The decision taken by the authority shall be communicated to the petitioner within a week thereafter.

In the event, the petitioner is found entitled to compensation, such compensation be disbursed in his favour within one month thereafter.

It is made clear that this Court has not gone into the merits of the case and the concerned authority shall be at liberty to deal with the application made by the petitioner

independently and without being influenced by any observation that may have been made in this order.

With the above observations and directions this writ petition being WPA 21459 of 2017 is disposed of.

However, there shall be 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 supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)