

15.12.2023
rc/ct.no.10
Item No.517

WPA No. 22164 of 2023
Netai Chandra Das & Ors.
Versus
The State of West Bengal & Ors.

Mr. Mukteswar Maity ...for the petitioner

Mr. Chandi Charan De for the State

Affidavit of service filed in Court today is taken on record.

None appears on behalf of the State-respondents despite service.

Mr. Chandi Charan De, learned advocate, who usually appears on behalf of the State respondents and is present in Court today, is requested to represent the State respondents in this matter. The office of the learned Legal Remembrancer is requested to regularise the service of Mr. De in this matter.

The petitioners are directed to serve a copy of this application along with annexures thereto upon Mr. De in course of this day.

It is submitted on behalf of the petitioners that their land was utilised by the respondents without acquiring the same and no compensation has been paid to the petitioners in lieu of such utilisation. Joint field verification of the plot in question was held and upon receipt of report of such verification, the petitioners submitted a

representation before the concerned authority seeking compensation at the present market rate.

It is submitted on behalf of the parties that during pendency of the writ petition the Special Land Acquisition Officer, South 24-Parganas, by a letter issued to the Executive Engineer, Kakdwip Irrigation Sub-Division, South 24-Parganas on November 09, 2023 stated that the plots in question were found to be not acquired under any land acquisition case. The Special Land Acquisition Officer requested the Executive Engineer to take necessary steps for payment of compensation for the utilised plots of land as per the joint field verification in terms of Memo No. 756-LP/1A-03/14(Pt.-II) dated February 25, 2016 and Memo No. 1703-LP/1A-03/14(Pt.-II) dated July 26, 2021 issued by the Land and Land Reforms Department for direct purchase of utilised land through the District Land Purchase Committee to the petitioners as desired in their representation.

Learned counsel for the respondents submits that the concerned authority be directed assess the market value of the land and pay compensation to the petitioners accordingly. Learned counsel further submits that upon receipt of the compensation amount, the petitioners be directed to execute the deed of transfer in favour of the respondents in respect of the land in question.

The petitioners are agreeable to the said proposal of the respondents.

In view of the above, the writ petition is disposed of directing the 6th respondent to assess the market value of the plot in question and pay compensation to the petitioners accordingly.

Upon receipt of such compensation the petitioners shall execute the deed of transfer in favour of the 6th respondent in accordance with law.

The entire exercise should be completed within four months from the date of communication of this order.

With the above observations and directions this writ petition 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)