

507
01.12.2023
Ct. No.10
b.das

WPA 23405 of 2023

Ganga Narayan Maity & Ors.

Vs.

The State of W.B. & Ors.

Mr. Mukteswar Maity

...for the petitioners.

Mr. Chandi Charan De

Mr. A. Sarkar

...for the State.

Affidavit of service filed by the petitioners is taken on record.

Heard learned counsels for the parties.

The contention of the petitioners is that the State respondents have utilised a portion of the petitioners' land for construction of river embankment without acquiring the same.

It is submitted on behalf of the State respondents that a joint field verification is necessary in order to ascertain whether any portion of the petitioners' land has been utilised by the State without acquisition and also for demarcation of such portion.

Upon consideration of the submission made on behalf of the parties, this Court is of the view that the Executive Engineer, Irrigation & Waterways Division being the 6th respondent herein shall hold a field verification in presence of all the interested persons including the petitioners in order to assess whether any portion of the

land in question has been utilised without acquisition and the exact quantum of such land. Such exercise shall be concluded within a period of four months from the date of communication of this order.

In the event it is found that the petitioners are entitled to compensation, the 6th respondent is directed to take all necessary steps for payment of such compensation to the petitioners within four months from the date of receipt of the field verification report upon affording reasonable opportunity of hearing to all concerned including the petitioners, in accordance with law.

It is made clear that this Court has not gone into the merits of the case and the petitioners shall be at liberty to place their contentions as stated in the writ petition, before the concerned authority at the time of hearing.

The writ petition 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.)