

528
21.12.2023
Ct. No.10
b.das

WPA 23476 of 2023

Saktipada Banduri
Vs.
The State of W.B. & Ors.

Mr. Panchanan Hajra ...for the petitioner.

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

None appears for the State respondents despite service.

Mr. Chandi Charan De, who usually appears for the State and is present in Court, is requested to represent the State in the matter. His appointment be regularized by the office of the learned Legal Remembrancer.

The petitioner should serve copy of the writ petition along with all annexures thereto to Mr. De in course of this day.

Heard learned counsels for the parties.

The petitioner's land was requisitioned for construction of Mundeswari embankment under the West Bengal Land (Requisition and Acquisition) Act, 1948 by the State respondents. The project was subsequently abandoned and pursuant to an order passed by this Court on December 10, 2021 in WPA 1469 of 2020 along with other writ petitions directing the State respondents to consider the representation submitted by the petitioner

within a stipulated time frame, the concerned authority, upon consideration of the representation submitted by the petitioner, issued release order in favour of the petitioner and physical possession of the plot in question was handed over to the petitioner on 13th April, 2022. The concerned authority was unable to pay the compensation to the tune of Rs.81,374/- to the petitioner since fund was not placed before the authority by the Principal Secretary to the Government of West Bengal, Irrigation and Waterways Department, being the 6th respondent herein.

The petitioner prays for a direction upon the 6th respondent to release such fund in favour of the 2nd respondent for disbursement of the same to the petitioner.

Learned counsel for the respondents submits that the 6th respondent be directed to release the fund in favour of the 2nd respondent, in accordance with law.

In view of the above, the writ petition is disposed of directing the 6th respondent to place the required fund before the 2nd respondent within two months from date. The 2nd respondent is directed to disburse the amount in favour of the petitioner within two weeks from the date of receipt thereof.

With the above observations and directions the writ petition is disposed of.

There shall, however, 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.)