

02.02.2023
rc/ct.no.10
Item No.70

WPA No. 27561 of 2022

Mr. Panchanan Hazra ...for the petitioner

Mr. Chandi Charan De
Mrs. Reshmi Rahaman ...for the State

Affidavit of service filed by the petitioners and written instruction filed by the State-respondents in Court today are taken on record.

The land of the petitioners was requisitioned by the State-respondents under the provisions of the West Bengal Land (Requisition and Acquisition) Act, 1948 for construction of Mundeswari Embankment. The project was subsequently abandoned and pursuant to an order passed by a coordinate Bench of this Court on 7th December, 2018 in WP No. 23683(W) of 2018 directing the State-respondents to decide the representation made by the petitioners in accordance with law, the Land Acquisition Collector, Hooghly by an order passed on 9th April, 2019 recorded that the petitioners were entitled to get requisition compensation and damage compensation in respect of certain plots. A joint field enquiry was directed to be conducted for determination of the said compensation with a further direction to hand over possession of the land to the petitioners.

It is submitted on behalf of the petitioners that in terms of the said order, the land in question was released

in favour of the petitioners. The concerned authority was unable to pay the compensation due to the petitioners since such fund was not placed before the authority by the Principle Secretary to the Government of West Bengal, Irrigation and Waterways Department, being the 6th respondent herein.

Learned counsel for the petitioner has taken this Court to a communication issued by the District Magistrate and Collector, Hooghly to the 6th respondent on 26th May, 2022 requesting release of the fund, such communication being a further reminder to the earlier request made.

Upon consideration of the submission made on behalf of the parties and the materials on record, this Court is inclined to hold that since a request for placement of fund made by the 2nd respondent to the 6th respondent has not been acceded to as yet, the 6th respondent be directed to place the required fund before the 2nd respondent for disbursement of the same in favour of the petitioners.

Accordingly, the writ petition is disposed of directing the 6th respondent to place the required fund in terms of the request made to him by the 2nd respondent, the last of it being communicated on 26th May, 2022, within two months from the date of communication of this order. On receipt of the fund, the 2nd respondent shall disburse the same to the petitioner within two weeks thereafter.

With the above observations and directions this writ petition being WPA No. 27561 of 2022 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)