

Form J(2)

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side**

Present :

The Hon'ble Justice Bibek Chaudhuri

WPA 27663 of 2015

Sri Birendra Nath Mondal & Ors.

Vs.

The State of West Bengal & Ors.

**For the petitioner : Mr. Ramdulal Manna, Adv.
Mr. Dulal Chandra Mondal, Adv.
Mr. Sabyasachi Mondal, Adv.
Ms. Payel Khanra, Adv.**

Heard on : 12.06.2023.

Judgment On : 12.06.2023.

Bibek Chaudhuri, J.

The grievance of the petitioner in the instant writ petition is non-received of compensation against acquisition of land belonging to them in connection with L.A. Case No.4 of 1995-1996.

It is alleged by the petitioners that in the aforesaid L.A. Case, the agricultural lands of the petitioners were acquired for public purpose to construct a Ring Bandh from Haritala Ring Bandh and Raimongal River within the jurisdiction of Puinjali Mouza.

As the petitioners did not receive any compensation, they previously filed WP No.316(W) of 2000, which was disposed of by a

Co-ordinate Bench of this Court on 18th January, 2000. The relevant part of the order runs thus:-

"It is the grievance of the writ petitioners that the disputed lands were though acquired by the respondent authorities in L.A. Case No.4/16 of 1995-96 but compensation for such acquisition has not yet been determined and/or paid to the writ petitioners by the concerned respondent authorities. The writ petitioners accordingly made a representation before the Additional Land Acquisition Officer on 28.10.99. In spite of the said representation nothing has happened since thereafter. Having regard to the facts and circumstances, this writ petition is disposed of by directing the concerned Land Acquisition Collector to declare an award of compensation for such acquisition made of the lands in question of the writ petitioners in accordance with the provisions of law expeditiously and peremptorily within a period of six months from the date of communication of this order."

In spite of the said order passed by this Court, the respondent authorities failed to take appropriate action till date. Subsequently, on 15th October, 2015, petitioners made an application before the Additional Land Acquisition Officer, Alipore with similar prayer for assessment and disbursement of compensation. The concerned authority, being respondent No.5, failed to take any action and sat tight over the matter which prompted the petitioners to lay their claim before this Court by invoking appropriate writ in the nature of mandamus.

The State of West Bengal or other respondents are not represented in spite of service of notice.

This Court is of the view that a land loser should not run from pillar to post to get his relief in the form of compensation and interest under the provision of the Land Acquisition Act.

It is the duty of the L. A. Collector to pass the order of compensation simultaneously with the acquisition of the land and notify the same to the persons whose land is acquired.

The petitioners invoked the writ jurisdiction in the year 2000. The said writ petition was disposed of directing the respondents to consider as to whether the petitioners are entitled to get any compensation against acquisition of land on 18th January, 2000. The respondents failed to pay any heed to it.

Under such circumstances, the instant writ petition is disposed of directing the respondent Nos. 3, 4 and 5 to dispose of the application dated 27th July, 2015 filed by the petitioners with the respondent No.5 positively within sixty days from the date of this order giving opportunity to the petitioners of hearing.

The above named respondents are further directed to assess the compensation with up to date interest, if any, payable to the petitioners within 15 days thereafter and disburse the money immediately.

With the above direction, the instant writ petition is disposed of.

(Bibek Chaudhuri, J.)

**Mithun De/
A.R. (Ct).
SI No.08.**