

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE

The Hon'ble **JUSTICE BIBEK CHAUDHURI**

WPA 109 of 2023

Bibhash Das
Vs.
The State of West Bengal and Ors.

Mr. Subinay Dey
Mr. Shubhankar Dutta
..for the petitioner

Mr. Hirak Barman
Mr. Momenur Rahaman
...for the State

Item No. 08

Judgment on: 30.01.2023

BIBEK CHAUDHURI, J. : –

The petitioner has approached this Court under Article 226 of the Constitution of India alleging his grievance in non-payment of compensation against acquisition of land by the respondent nos. 3, 4 and 5 in collusion with the respondent Nos. 8 and 9.

The case of the petitioner is that the petitioner is the owner of 0.12 acres of land situated at Mouza- Talliguri being Khatian No.835, J.L. No.116 within the jurisdiction of Kotowali in the district of Coochbehar. The said land was acquired under Section 6 of the Land Acquisition Act, 1894 with effect from 17th January, 2005. Subsequently, by a notice

dated 15th September, 2014 the respondent authority intimated the petitioner that his land is proposed to be acquired under Section 9 of the said Act. Thereafter, the petitioner approached the concerned authorities to get compensation in accordance with law. However, his grievance has not been satisfied.

It is submitted by the learned Government pleader that the respondent authority is to be given an opportunity to consider whether the land in question was actually acquired or not and whether the petitioner is entitled to get compensation against acquisition.

In view of such circumstances, the instant writ petition is disposed of directing the respondent No.6 to consider the instant writ petition as a representation by the petitioner and is to ascertain as to whether the land has been acquired, and if acquired the respondent No.6 is further directed to compute the amount of compensation which the petitioner is entitled to get and thereafter take necessary step for payment of such compensation in favour of the petitioner.

Entire exercise shall be done within two months from the date of communication of this order.

The learned advocate for the respondents is requested to hand over a copy of the instant writ petition to the respondent No.6 along with a server copy of this order for his communication, necessary action and compliance within the stipulated period of time.

(Bibek Chaudhuri, J.)