

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction
Appellate Side**

WPA 556 of 2023

**Khorshed Alam
-versus-
The State of West Bengal and Ors.**

Mr. Subhasish Misra
... for the petitioner.

Mr. Bikramaditya Ghosh
Mr. Pretom Das
... for the State.

Ms. Supriya Singh
... for the NHAI.

The petitioner has filed the present writ application praying for a direction upon the respondent authorities for grant of compensation in terms of the calculation sheet being Annexure P-4 of the present writ application.

Counsel for the respondents submits that there is a dispute between the two parties and the petitioner has filed a suit before the Civil Judge (Junior Division) at Cooch Behar and as such if there is a dispute between the parties, the respondent authorities cannot pass any order for release of compensation.

Counsel for the petitioner submits that though the petitioner had filed the suit against the private respondent but by a judgment dated 16th December, 2022 the learned Civil Judge (Junior Division), Cooch Behar has dismissed the suit and the petitioner is ready to accept the amount as per the calculation sheet being Annexure P-4 of the present writ application.

In view of the submission made by the counsel for the petitioner, the writ petition is disposed of by directing the respondent no.3 i.e. the Special Land Acquisition Officer to consider the representation of the petitioner in terms of the calculation sheet being Annexure P-4 dated 16.12.2019 after giving an opportunity of hearing to all the concerned parties and to pass a reasoned and speaking order within a period of six weeks from the date of communication of this order.

It is made clear that if the Special Land Acquisition Officer finds that the petitioner is entitled to get the compensation, he shall release the compensation within a period of two weeks thereafter and if the Land Acquisition Officer finds that the petitioner is not entitled to get the compensation, he is directed to pass a reasoned

order and communicate the same to the petitioner within a week thereafter.

Since the writ petition is disposed of without calling for the affidavits, the allegations made therein are deemed to have been denied.

WPA 556 of 2023 is thus disposed of.

(Krishna Rao, J.)