

**CALCUTTA HIGH COURT IN THE CIRCUIT BENCH
AT JALPAIGURI**

**38
11.07.2023
adeb**

WPA 1091 of 2021

**Sushila Barman
Vs.
The State of West Bengal & Ors.**

**Mr. Subhasish Misra
Mr. Deborshi Dhar
Mr. Swarup Das**

...for the Petitioner

**Mr. Subir Kumar Saha, Ld. AGP
Mr. Pretom Das**

..for the State

**Mr. Sudipto Kr. Mazumder, Ld. DSG
Mr. Sudip Kr. Paul**

...for the N.F.R.

The writ petition is taken up for consideration in presence of the learned advocates representing the petitioner, State-respondents as well as Railway authorities. Petitioner claims release of compensation amount due to acquisition of land of the petitioner long back.

In support of contention of the petitioner reliance has been placed on the order passed by a coordinate Bench dated 21st September, 2021 on a writ petition being WPA 955 of 2021 (Phulti Das & Ors. Vs. The State of West Bengal & Ors.). On perusal of the order passed by the coordinate Bench it appears that there is requirement to release

compensation amount on determination of the same in terms of the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

However, the learned advocate representing the State- respondents submits that till date determination of compensation amount has not been made in view of certain issues and there is a requirement to make measurement of the land in question prior to determination of compensation amount. The contention has been raised on behalf of State-respondents relating to the right of the petitioner over the land in question.

In view of submissions made on behalf of the learned advocates representing the parties and in consideration of the order passed by the coordinate Bench on 21st September, 2021 in Phulti Das (supra) this Court directs the Special Land Acquisition Officer, Coochbehar being the respondent no.3 to take measurement of the land in question on appointing surveyor within 8 (eight) weeks from the date of communication of this order after serving 7 (seven) days notice to the petitioner and other interested parties and based on such measurement to be made by the surveyor the respondent no. 3 is directed to determine the compensation in accordance with law within a period of 8

(eight) weeks thereafter, if the same exercise has not been carried out in the meantime.

With the aforesaid directions, the writ petition stands disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)