

19.12.2024
Jayanta/CT-11
02 & 03

FMA 210 of 2018
+
IA No.: CAN 1 of 2017 [Old No.: CAN 1754 of 2017]
+
IA No.: CAN 4 of 2017 [Old No.: CAN 2991 of 2017]

State of West Bengal & Others
– *Versus* –
Subrata Basu & Others
+
IA No.: CAN 6 of 2024 [Joint Compromise Application]

State of West Bengal & Others
- Applicants.

With

FMA 547 of 2018

State of West Bengal & Others
– *Versus* –
M/s. Desire Agro Resorts Development
Pvt. Ltd. & Ors.
+
IA No.: CAN 3 of 2024 [Joint Compromise Application]
State of West Bengal & Others
- Applicants.

Md. T. M. Siddiqui, Ld. AGP
Mr. Tanoy Chakraborty
Mr. S. Adak,
... for the Appellants/ Applicants
[in both the appeals].

Mr. Saurabh Guhathakurata.
Ms. Tanuka Basu, [through VC]
... for the Respondents
[in both the appeals] /
Applicants in CAN 6 of 2024
in FMA 210 of 2018 and
CAN 3 of 2024 in FMA 547 of 2018.

Mr. Satyajit Talukdar
Mr. Arindam Chatterjee
... for the KMDA
[in both the matters].

For having thematic unity, both appeals are heard
together.

In the present case, two writ petitions were filed challenging the land acquisition proceedings. These writ petitions were disposed of by two separate orders.

Challenging the said orders, two separate intra-court appeals being MAT 2029 of 2016 and MAT 1558 of 2017 were filed, which were dismissed by two different orders dated 10th August 2017 and 22nd August 2017.

Challenging the aforesaid two orders, two separate Special Leave Petitions *vide*. Special Leave Petition (C) 27365 of 2017 and Special Leave Petition (C) 28628 of 2017, were filed.

The Hon'ble Supreme Court disposed of the aforementioned Special Leave Petitions by an order dated 10th April 2024.

The operative part of the said order runs as follows:

'In view of the above, the impugned orders passed by the High Court are set aside and the matters are remitted to the High Court for fresh consideration in the light of the Judgment in the case of Indore Development Authority (supra).

It is clarified that all contentions including proposal of settlement are kept open to be raised by both the parties as may be legally permissible.

The appeals stand disposed of in above terms.'

In view of the above-referred order of the Hon'ble Supreme Court, the present appeals have come before this Court for disposal.

During the pendency of these appeals, the parties have amicably settled the disputes involved in these two appeals out of Court and have filed two joint compromise petitions, namely, CAN 6 of 2024 in FMA 210 of 2018 and CAN 3 of 2024 in FMA 547 of 2018.

We have carefully reviewed the terms and conditions set forth in these applications, on the basis of which the parties have settled their disputes. We are satisfied that the terms and conditions are lawful, and therefore, there is no impediment to accept the compromise arrived at by the parties out of Court.

Accordingly, the appeal in FMA 210 of 2018 is disposed of on the basis of the compromise, as per the terms and conditions set forth in CAN 6 of 2024. Similarly, the appeal in FMA 547 of 2018 is also disposed of on the basis of the compromise, in accordance with the terms and conditions incorporated in CAN 3 of 2024.

With the above observations and orders both the appeals and the connected applications are disposed of.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)