

WPA 2495 OF 2024

Suddha Nath Sarkar & Anr.

Vs.

State of West Bengal & Ors.

Mr. Sougata Mitra
Mr. Nikhil Kumar Gupta
Mr. Subhadeep Maitra.

... For the Petitioners

Mr. Chandi Charan De, Ld. AGP
Mr. Anirban Sarkar.

... For the Respondents
State

Affidavit-of-service, filed in Court today, is taken on record.

Mr. Subhadeep Maitra, learned advocate led by Mr. Sougata Mitra, learned advocate appear for the petitioners.

Mr. Chandi Charan De, learned Additional Government Pleader appears for the respondents State.

The averments made in the writ petition, *inter alia*, in paragraphs 2, 5, and 7 show that, the land of the predecessors-in-interest of the petitioners were acquired but the petitioners are unable to produce any details or particulars of such acquisition. No such relevant particulars of acquisition has also been disclosed in this writ petition.

The petitioners claim compensation on account of acquisition of the land in accordance with law. The

petitioners submitted a representation dated **October 6, 2023, Annexure-P2 at page 21** to the writ petition but the same has not been considered by the appropriate State authority.

After considering the submissions made on behalf of the parties and upon perusal of the materials on record, the respondent no.3 upon serving a prior hearing notice of at least **seven days** to the petitioners and after granting them an opportunity of hearing shall dispose of the said representation dated **October 6, 2023 at page 21** to the writ petition by passing a reasoned order in accordance with law.

While deciding the representation, the respondent no.3 first shall arrive at his satisfaction that, the petitioners are the land owners either by themselves or through their predecessors and have a valid, lawful and *bona fide* claim to receive the compensation as claimed by them. The respondent no.3 shall also examine the record whether compensation has already been paid to and received by the predecessors of the petitioners. All these factors are to be considered and decided by the respondent no.3 with reasons and referring to the supporting materials.

While issuing the notice of hearing, as indicated above, the respondent no.3 shall disclose and mention the relevant materials to petitioners, which shall be relied upon before the respondent no.3 in course of the hearing.

The petitioners shall be at liberty to take inspection of those materials from the office of the respondent no.3 prior to the hearing shall commence. After taking inspection, the petitioners shall also confirm the same by way of a letter to the respondent no.3.

After taking all these steps as above, the respondent no.3 shall commence the hearing and shall pass the reasoned order.

This entire exercise as directed above, shall be carried out and completed by the respondent no.3 positively within a period of **twelve weeks** from the date of communication of this order and the reasoned order shall be served upon the petitioners within **a week** from the date of the said reasoned order to be passed.

In the event the reasoned order goes in favour of the petitioners the respondent no.3 and/or any other appropriate State authority shall take all necessary and consequential steps to crystalise the compensation in accordance with law and pay it to the petitioners but positively within a period of **six months** from the date of the said reasoned order to be passed.

It is made clear that, this Court has not gone into the merits of the claims of the petitioners and the petitioners shall be at liberty to urge all points with all supporting documents before the respondent no.3 but the same shall not travel beyond the scope of the said

representation dated **October 6, 2023** as referred to above.

It is also made clear that, this order shall not create any right or equity in favour of the petitioners if the petitioners do not succeed to their respective claims before the respondent no.3, strictly in accordance with law.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions this writ petition, **WPA 2495 of 2024** stands **disposed of**, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)