

WPA 1862 of 2019

Gour Hari Gurain & Ors.

Vs.

The State of W.B. & Ors.

Mr. S. S. Arefin ...for the petitioners.

Mr. Soumitra Bandyopadhyay
Mr. Priyabrata Batabyal ...for the State.

Mr. Sandipan Banerjee
Mr. Sobhan Majumder
Mr. A. Bhattacharjee
Ms. P. Banerjee ...for the Birbhum Zilla Parishad.

Report submitted on behalf of the Birbhum Zilla Parishad is taken on record.

On prayer of the petitioners liberty is granted to implead the Executive Engineer (P&RD) WBSRDA, Birbhum Division, Birbhum Zilla Parishad as respondent no.9 in the writ petition. The cause title of the writ petition be amended accordingly.

Heard learned counsels for the parties.

The primary grievance of the petitioners is that Birbhum Zilla Parishad has taken away their land for construction of a road without acquiring the same by due process of law.

Placing reliance on the report submitted by the Executive Engineer (P&RD) WBSRDA, Birbhum Division, learned counsel for the Birbhum Zilla Parishad submits that the authority shall restore the land of the petitioners

to its original condition within six months from 11th March, 2024, that is, within 11th September, 2024.

In view of the above, nothing further remains to be adjudicated in the writ petition and the same is accordingly disposed of.

The Executive Engineer (P&RD) WBSRDA, Birbhum Division, Birbhum Zilla Parishad, being the 9th respondent herein, is directed to restore the plot of the petitioners to its original condition within 11th September, 2024.

Since the land in question has been in possession of the Zilla Parishad for which the petitioners were restrained from utilizing the same, the 9th respondent is further directed to pay damage compensation to the petitioners in respect of the said land for the period during which the land has been in possession of the authority. Such damage compensation shall be assessed by the authority upon affording reasonable opportunity of hearing to all concerned including the petitioners and shall be disbursed in favour of the petitioners within 11th September, 2024, in accordance with law.

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

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

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

(Suvra Ghosh, J.)