

February 22, 2024
(34) ARDR

WPA 3931 of 2021

Sadhan Mukherjee
Vs.
The State of West Bengal & ors.

Adv. Abhinaba Dan,
Adv. Samiran Mandal,
Adv. Nitish Samanta,

...for the petitioner.

Adv. Chandi Charan De,
Adv. Anirban Sarkar,

...for the State.

On prayer of the petitioner, liberty is granted to implead the Executive Engineer, National Highway Division, P.W. (Roads), Bankura as respondent no. 8 in the writ petition.

The cause title of the writ petition be amended accordingly.

Heard learned counsels for the parties.

It is not in dispute that the land belonging to the petitioner was sought to be acquired by the respondent authorities under Act II of 1948 and the requiring body, that is the Executive Engineer, National Highway Division, P.W. (Roads), Bankura was requested for placement of fund upon estimation of the award to the tune of Rs.22,929/-. Since fund was not placed within the stipulated period of time, the acquisition lapsed. The land has been utilised by the department. The petitioner prays for compensation in lieu of the same at the present market rate of the land.

Learned counsel for the State respondents, in his usual fairness, submits that the State shall purchase the land directly from the petitioner since it has been utilised without acquisition. The petitioner is agreeable to such proposal.

In view of the above, the writ petition is disposed of directing the 8th respondent to initiate proceeding for direct purchase of the land in question at the market rate and conclude the proceeding upon payment of compensation to the petitioner as estimated in terms of the present market rate of the land within four months from the date of communication of this order upon affording reasonable opportunity of hearing to all concerned including the petitioner, in accordance with law.

The 3rd respondent is directed to render necessary assistance for compliance of the order within the stipulated time frame.

With the aforesaid directions the writ petition is disposed of.

There shall however, be no order as to costs.

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

(Suvra Ghosh, J.)