

05.11.2024

Item No. A-40

Crt.02

b.r.

WPA 5216 of 2024

Shanti Sinha and Ors.

-vs-

The State of West Bengal & Ors.

Mr. K.M. Hossain

Mr. Sk. Saifuddin

Mr. Kazi Ardan Ali

.... For the petitioner.

Mr. Soumitra Bandyopadhyay

Mr. Ram Chandra Guchhait

Mr. Priyabrata Batabyal

.... For the State.

Affidavit of service filed in court today is taken on record.

Mr. K.M. Hossain , learned counsel appears for the petitioners.

Mr. Priyabrata Batabyal, learned State advocate led by Mr. Soumitra Bandyopadhyay, learned State counsel appears for the respondents.

The petitioners claimed to be the legal heirs of one **Bhabataran Singha** since deceased. The land of the deceased was acquired for public purpose under **Land Acquisition Case being L.D. No. 166 of 1950-51**. The petitioners claimed that the compensation has not yet been paid either to the

deceased during his lifetime or to his legal heirs till now. The petitioner no. 1 has submitted the representation on **December 1, 2023 Annexure P4 at page 33** to the writ petition before the **respondent no. 5** and the same has not yet been decided.

In view of the above, the respondent no. 5 upon issuing a prior hearing notice at least **seven days** to the petitioners and after affording them an opportunity of hearing shall decide the representation dated **December 1, 2023 Annexure P4 at page 33** to the writ petition by passing a reasoned order in accordance with law.

It is needless to mention that the petitioners may participate in the hearing through their duly authorized representatives.

The entire exercise shall be carried out and completed by the **respondent no. 5** positively within a period of **six weeks** from the date of communication of this order and the reasoned order shall communicated to the petitioners and also to their authorized representatives positively with a further period of **two weeks** from the date of said reasoned order to be passed.

While deciding the issue and passing its reasoned order, the respondent no. 5 shall refer to

and disclose all the relevant materials to show when and how the compensation has been determined and if paid, to whom and if not paid the reason for same.

It is made clear that this court has not gone into merits of the claim of the petitioners and the petitioners shall be at liberty to urge whatever points they wish to urge relying upon whatever records and documents they wish to rely upon before the **respondent no. 5** but the same shall not travel beyond the scope of the said representation dated December 1, 2023, as referred to above.

In the event it is found that the petitioners are eligible to receive the compensation then upon compliance of all the necessary formalities, the compensation shall be disbursed and paid to the petitioners by the respondent no. 3 and/or any other appropriate State authority in accordance with law positively within a further period of **four weeks** from the said reasoned order to be passed.

It is made clear that this order shall not create any right or equity in favour of the petitioners if they do not succeed to their respective claims strictly accordance with law before the **respondent no. 5**.

In the event it is found that the payment of compensation is long pending payable to the petitioners then the respondent no. 5 and/or appropriate State Authority shall pay the same to the petitioners along with interest at the rate of 5 per cent per annum from the date of taking over possession of the land till the date of actual tendering of compensation to the petitioners.

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

The time frame directed above is stands mandatory.

With the above observations and directions, this writ petition, **WPA 5216 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.)