

S/L 17
14.11.2024
Court. No. 2
Sourav

WPA 5662 of 2024

Bidhyadhar Bera & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Debabrata Karan
Mrs. Sabita Khutia (Bhunya)
Mr. Debopriyo Karan

...for the Petitioners.

Mr. Chandi Charan De
Mr. Anirban Sarkar

...for the State.

The affidavit-of-service filed in Court today is taken on record.

This order shall be effected upon payment of 36 numbers of court fees by the petitioners. One court fee has been paid, the balance will have to be paid and subject to such condition, this order shall be effected.

Mr. Debabrata Karan, learned Counsel appears for the petitioners.

Mr. Chandi Charan De, learned Additional Government Pleader appears for the respondents. He places a report dated April 26, 2024 prepared under the signature of the Jurisdictional Special Land Acquisition Officer, *inter alia*, showing that only one plot has been acquired and the due compensation has already been paid to the land loser and the land loser has accepted the same.

Petitioners complained of that their land has been acquired long back but no compensation has yet been paid to the land losers. The petitioners submitted representation

dated **August 4, 2023, Annexure P-5 at Page – 133** to the writ petition, but the same has not been considered.

Learned Counsel for the petitioners has denied and disputed the submissions made on behalf of the State as recorded above.

In view of the above, the jurisdictional **Special Land Acquisition Collector** upon issuing a prior notice of hearing of at least **ten days** to the petitioners and other interested parties, if any, and upon giving them an opportunity of hearing shall dispose of the said representation dated **October 27, 2023**, as referred to above, by passing a reasoned order in accordance with law.

The entire exercise shall be carried out and completed by the jurisdictional **Special Land Acquisition Collector** positively within a period of **eight weeks** from the date of communication of this order. The reasoned order shall be communicated to the petitioners and the other interested parties, if any, within a further period of **two weeks** from the date of the reasoned order to be passed.

It is made clear that this Court has not gone into the merits of claim of the petitioners and the petitioners and other interested parties, if any, shall be at liberty to urge whatever points they wish to urge on their claim for compensation on acquired land by relying upon whatever records and documents they wish to rely upon before the jurisdictional **Special Land Acquisition Collector**.

If the reasoned order goes in favour of the petitioners and other interested parties, if any, the jurisdictional **Special Land Acquisition Collector** and any other

appropriate State Authority shall give an immediate effect thereto by taking all necessary and consequential steps in accordance with law. The compensation shall be calculated and determined strictly in accordance with law.

It is needless to mention that if the petitioners or other interested parties, if any, are found to have been paid the compensation already, they shall not be paid any further compensation.

It is further made clear that this order shall not create any right or equity in favour of the petitioners and other interested parties, if any, if they do not succeed to their respective claims 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.

In the event, any assistance is required by producing records or otherwise, the respondent no. 7 shall provide all such assistance to the jurisdictional **Special Land Acquisition Officer**.

With the above observations and directions, this writ petition being **WPA 5662 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.)