

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

35 02.12.2024
Sc Ct. no.2

WPA 5863 OF 2024

Jamshed Ali

Vs.

The State of West Bengal & Ors.

Ms. Shabana Hasin
Ms. Samima Akter.

..... For the Petitioner

Mr. Ayan Banerjee
Mr. Sayak Chakraborty.

..... For the Respondent
Nos. 1 to 5

Mr. Shibasis Chatterjee

.... For the Respondent
nos.6, 7 & 8

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

Ms. Shabana Hasin, learned counsel appears for
the petitioner.

Mr. Ayan Banerjee, learned State counsel appears
for the respondent nos. 1 to 5.

Mr. Shibasis Chatterjee, learned counsel appears
for the private respondent nos. 6 to 8.

The petitioner submits that, he is the co-owner of
a plot of land along with the private respondents. The
land is described in the writ petition. The petitioner
submits that, the land has been acquired for public
purpose but no compensation has been paid to the land

owners/land losers. The petitioner contends that, both the petitioner and the private respondents are eligible in law to receive appropriate compensation in accordance with law for acquisition of the land. The petitioner submitted his representation through his advocate's letter dated **January 28, 2024, Annexure-P6 at page 26** to the writ petition but the same has not been considered.

Learned State counsel submits that, the record shows the petitioner is the recorded owner of the land.

The private respondents submit that, by virtue of a registered Deed of Conveyance, executed in the year **1982** they have purchased the land.

After considering the rival contentions of the parties and upon perusal of the materials on record this Court directs the respondent no.4 upon issuing a prior hearing notice of at least **seven days** to the petitioner, the respondent no.5, the private respondents and other interested parties, if any, and after granting them an opportunity of hearing shall decide the said representation dated **January 28, 2024, Annexure-P6 at page 26** to the writ petition by passing a reasoned order in accordance with law.

The entire exercise as directed above, shall be carried out and completed by the respondent no.4 positively within a period of **eight weeks** from the date of communication of this order and the reasoned order then

shall be communicated to the petitioner, the respondent no.5, the private respondents and interested parties, if any, positively within a further period of **one week** 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 rival contentions of the parties and the parties shall be at liberty to urge whatever points they wish to urge in support of their claim by relying upon whatever records and documents they wish to reply upon before the respondent no.4.

It is needless to mention that, if it is found that, the compensation has already been paid to the actual land losers then no further compensation shall be paid to anybody.

In the event it is found that, compensation has to be paid to the petitioner, the private respondents or other interested parties, if any, the same shall be calculated and determined strictly in accordance with law and shall be paid and disbursed by the appropriate State authority to the claimants, who shall be entitled to receive compensation in accordance with law positively within a period of **three months** from the date of 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 petitioner, the private respondents or other interested parties, if any, if they do

not succeed to their respective claims strictly in accordance with law before the respondent no.4.

In the event it appears before the respondent no.4 that, title dispute is there on the land, the same may be referred before the jurisdictional civil court in accordance with law.

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

With the above observations and directions, this writ petition, **WPA 5863 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.)