

11.11.2024

Ct. no.39

Sl. No.23

ss

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)

W.P.A. 5709 of 2023
(specially assigned)

Sunil Baran Ghosh & ors.
Vs.
State of West Bengal & ors.

Md. Younush Mondal
... for the petitioners

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

This writ petition has been filed seeking payment of compensation in respect of certain plots of land under Mouza-Arijullapur, P.S.-Deganga, District- 24-Parganas (North) according to the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as '*the Act of 2013*').

The petitioners' case in nutshell is that that the predecessor-in-interest of the petitioners namely, Dulal Chandra Ghosh was the absolute owner of the land-in-question comprised within plot nos.522, 528, 529, 530, 531, 532 and others under Mouza-Arijullapur, P.S.-Deganga, District- 24-Parganas (North). The land measuring 26.80 decimal has been taken by the authority upon which a *pucca* road has been constructed. Prior to

taking over of such land no acquisition proceeding was initiated. Hence, for payment of compensation pertaining to the aforesaid plots of land under the Act of 2013 the present writ petition has been filed by the petitioners.

Pursuant to a direction of this Court dated 25th April, 2024 report in the form of affidavit has been filed by the respondent nos.2 and 3.

It is contended in the report that upon ascertainment by survey of PWD (Roads) it was found that the petitioners' plot nos.522, 528, 529, 530, 531 and 532 of Mouza Arijullapur, J.L. No.20, P.S. Deganga, District North 24-Parganas were not involved in any land acquisition proceedings previously. The PWD (Roads) initiated proposal for direct purchase of land which was submitted before the District Magistrate and Collector, North 24-Parganas by the Deputy Secretary, Land Acquisition Branch, PWD (Roads Wing) vide letter no.2L-96/2021/30-R/PL dated 25th January, 2022. It is further contended that though steps were taken for direct purchase of the land-in-question but it could not be proceeded further due to discontent of the land owners.

Md. Younush Mondal, learned Advocate for the petitioners submits that the petitioners are willing to accept the proposal of direct purchase of the plots of land-in-question by the State-authorities. He seeks that appropriate orders be passed for effecting such direct purchase.

Mr. Priyabrata Batabyal, learned Advocate led by Mr. Soumitra Bandyopadhyay, learned Advocate for the State-respondents submits that direction be issued for direct purchase of the lands from the petitioners by the State-respondents. He informs the Court that six months' time would be necessary for completion of purchase of land-in-question since several departments of government are required to take steps of conclusion of purchase.

In view of the submissions advanced on behalf of the petitioners as well as the State-respondents, the District Magistrate, North 24-Parganas, the respondent no.2 is directed to take appropriate steps for direct purchase of lands comprised within plot nos.522, 528, 529, 530, 531 and 532 of Mouza Arijullapur, J.L. No.20, P.S. Deganga, District North 24-Parganas from the owners, which were actually taken for construction of road, upon ascertaining the rights of the petitioners over the lands-in-question, within a period of six months from date of this order.

With the above observations, this writ petition being **WPA 5709 of 2023** stands disposed of.

All connected applications, if any, stand disposed of.

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

Interim order, if any, stands vacated.

All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

Urgent photostat copy of this order, if applied for, be given to the parties upon compliance of necessary legal formalities.

(Bivas Pattanayak, J.)