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jdt.

12.03.2024
jb.

WPA 6318 of 2022
(Sujit Chakraborty and Anr. vs. State of West Bengal & Ors.)

Mr. Chandan Misra
Ms. Sarda Sha
.... For the Petitioners

Mr. Sirsanya Bandyopadhyay
Mrs. Tapati Samanta
Mr. Arindam Ghosh
.... For the State

Written instruction submitted on behalf of the respondents is taken on record.

It is admitted by the respondents that they have utilised 84 meters and 4.300 meters of the petitioners' land for construction of a road without acquiring the same by due process of law. It is also not in dispute that 0.45 acres land of the petitioners were acquired and compensation paid for the same.

Placing reliance on the written instructions submitted by the Executive Engineer, North 24 Parganas, Public Health Engineering Directorate, learned counsel for the respondents submits that the respondents shall compensate the petitioners for utilisation of their land and direct purchase of the land is under consideration of the authority.

Since admittedly the land of the petitioners has been utilised by the respondents without acquisition, the petitioners are entitled to compensation in lieu thereof from the authority.

In view of the above, the writ petition is disposed of directing the District Magistrate and Collector, North 24 Parganas being the third respondent herein to conclude the process of direct purchase, which according to the learned counsel for the respondents, has been initiated, and disburse compensation in favour of the petitioners in respect of the plot in question according to the present market rate of the plot within three months from the date of communication of this order upon affording reasonable opportunity of hearing to all concerned including the petitioners, in accordance with law.

The decision taken by the authority shall be communicated to the petitioners within a week thereof.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)