

11.11.2024

Item No. 03

Crt.No.02

b.r.

WPA 8973 of 2023

Sailen Halder & Ors.

-vs-

The State of West Bengal & Ors.

Mr. Tapas Kumar Bhattacharyya

.... For the petitioners.

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

This order shall be effect upon payment of twenty two numbers of individual Court Fees. It is submitted that one Court Fee has already been paid therefore rest twenty one will have to be paid, subject to such condition, this order is passed.

Mr. Tapas Kumar Bhattacharyya, learned counsel appears for the petitioners.

None appears for the respondents, despite notice.

The grievance of the petitioners is that though their land has already been acquired long back for public purpose but no compensation has yet been paid. The petitioners submitted their representations, **annexure p-3 at pages-42 to 53** to the writ petition and the same has not been considered.

In view of the above, the **respondent no.4** is directed upon issuing a prior notice of hearing of at least **ten days** to the petitioners and any other interested parties upon verification of record and after affording an opportunity of hearing to the petitioners and such interested parties, if any, shall dispose of the representations referred to above being **annexure p-3** to this writ petition by passing a reasoned order in accordance with law.

The entire exercise shall be carried out and completed by the **respondent no.4** positively within a period of **ten weeks** from the date of communication of this order and the reasoned order shall be communicated to the petitioners and such other interested parties, if any, positively within a further period of **three weeks** 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 claim of the petitioners and/or any other interested parties, if any and they shall be at liberty to urge whatever points they wish to urge by relying upon whatever records and documents they wish to rely upon before the **respondent no.4** claiming the alleged

compensation on account of the alleged acquisition of land.

It is further made clear that this order shall not create any right or equity in favour of the petitioners or any other interested parties, if any, if they do not succeed to their respective individual claims strictly in accordance with law before the **respondent no.4.**

If from record it appears that compensation has already been paid to the petitioners or any of them or such interested parties, if any, or any of them in accordance with law their claim shall not be entertained any further.

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

With the above observations and directions, this writ petition, **WPA 8973 of 2023** stands **disposed of**, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)