

23.09.2024
Court No. 02
Item No. 17
(Suvendu)

WPA 9435 of 2023

Sumanta Lahiri & Ors.
-Versus-

The State of West Bengal & Ors.

Mr. Tapash Kumar Bhattacharya
Mr. Aviroop Bhattacharya
Ms. Sahina Mollah
.....for the petitioners

Mr. Chandi Charan De, Ld. AGP
Mr. Anirban Sarkar
.....for the State

Affidavit of service filed on behalf of the petitioners is taken on record.

The issue involved in this writ petition has a chequered history. Ultimately the issue culminated into a finding given by the respondent no. 5 in its order dated December 28, 2016, which is Annexure P -6 at pages 44 and 45 to the writ petition. The finding shows that the subject land mentioned by the respondent no. 5 at **Plot No. 1234** is being utilized as the only ingress and egress of Krishnaganj ITI which imparts technical education. The subject land is the land of the petitioners. Since the land is under utilization by the State authority without any acquisition or requisition, the law is well settled that the land

owners should be compensated by direct purchase policy method.

The last representation of the petitioner no.1 is dated December 23, 2022, which is Annexure P-13 at pages 55 and 56 to the writ petition, the same has not been attended.

In view of the above, to subserve justice the respondent no. 3 shall take a reasoned decision on the said representation of the petitioner no.1 dated December 23, 2022 by passing a reasoned order. While considering the issue, the respondent no. 3 shall consider the said order dated December 28, 2016 passed by the respondent no.5. The entire exercise shall be carried out and completed by the respondent no. 3 in accordance with law within a period of four weeks from the date of communication of this order and the reasoned decision shall be communicated to the petitioners within a further period of one week from the date of the said reasoned order to be passed. The respondent no. 3 and/or appropriate State authority shall then take all consequential necessary steps and complete the direct purchase process in accordance with law including by paying necessary purchase consideration to the petitioners within a further period of six weeks

from the date of the said reasoned order to be passed.

Since no affidavit is called for, the allegations contained in the writ petition are deemed not to have been admitted.

With the above observations and directions, writ petition being **WPA 9435 of 2023** stands disposed of, without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Aniruddha Roy, J.)