

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

54 08.11.2024
Sc Ct. no.2

WPA 13868 OF 2024

Md. Elius Hossain & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Amit Kr. Pan
Ms. Tanusri Santra.

.....For the Petitioners

Mr. Soumitra Bandyopadhyay
Mr. Priyabrata Batabyal.

....For the Respondents

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

Ms. Tanusri Santra, learned advocate led by Mr. Amit Kr. Pan, learned advocate appears for the petitioners.

Mr. Soumitra Bandyopadhyay, learned senior Government advocate appears for the respondents.

The parties agree that, in a similarly situated plot of land under similar circumstance a coordinate Bench has already dealt with the issue and passed its judgment and order dated **April 21, 2022**, *inter alia*, in **WPA 31112 (W) of 2014, In the matter of : Usman Ghani --vs.- The State of West Bengal & Ors.** The parties fairly submit that, an identical direction can be passed in this case.

In view of the above, the petitioners are entitled to compensation at the present market rate upon initiation

of proceedings under ***The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013***, in the alternative, the State respondents are at liberty to issue a proposal for ***Direct Purchase*** of the subject plot in question from the petitioners at the present market value.

The respondents are directed to initiate proposal for ***Direct Purchase*** of the land and complete the entire process positively within a period of ***five months*** from the date of communication of this order, in the alternative pay compensation to the petitioners in terms of this order in accordance with law within the said timeframe.

The amount of estimated compensation paid, if any, to the petitioners in advance shall be adjusted with the amount of compensation now payable or with the valuation of the land at which the land will be proposed to be purchased.

With the above observations and directions, this writ petition, ***WPA 13868 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.)