

05.12.2024

Item No. A 43

Crt.No.02

b.r.

WPA 14621 of 2024

Mukunda Chakraborty

-vs-

The State of West Bengal & Ors.

Mr. Uttam Kumar Bhattacharyya

Mr. Kaustav Mishra

.... For the petitioner.

Mr. Ayan Banerjee

.... For the State.

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

Mr. Uttam Kumar Bhattacharyya, learned counsel appears for the petitioner.

Mr. Ayan Banerjee, learned State counsel appears for respondent nos. 1 to 11 and 14.

The rest of the respondents are not represented.

The petitioner states that the land of the petitioner though has not been acquired but has been utilized for public purpose by the State, petitioner claims compensation in accordance with law.

The petitioner submitted its representation dated **May 7, 2024, annexure p-5 at Page-75** to the writ petition and the same is pending.

In view of the above, the **respondent no.3** upon issuing a prior hearing notice of at least **two weeks** to the

petitioner and other interested parties, if any and after granting them an opportunity of hearing shall dispose of the said representation dated **May 7, 2024, annexure p-5 at Page-75** to the writ petition by passing a reasoned order in accordance with law.

The entire exercise shall be carried out and completed by the **respondent no. 3** within a period of **eight weeks** from the date of communication of this order. The reasoned order then shall be communicated to the petitioner and other interested parties, if any, within a period of **two 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 petitioner or 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.3** but the same shall not travel beyond the scope of the said representation dated **May 7, 2024, annexure p-5 at Page-75** to the writ petition.

It is made clear that in the event, it is found that the petitioner and/or other interested parties, if any, are eligible to receive compensation in accordance with law, such compensation shall be disbursed and paid to them by such appropriate State authorities positively within a

period of **three months** from the date of the said reasoned order to be passed.

It is made clear that if the record shows that compensation has already been paid to the land losers then there shall be no payment of further compensation.

It is made clear that this order shall not create any right or equity in favour of the petitioner or in favour of the other interested parties, if any, if they do not succeed to their respective claims before the **respondent no.3** in accordance with law.

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 14621 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.)