

Court No. 2
15.7.2024
(Item No. 5)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side
W.P.A. 14865 of 2024

Subed Ali & Ors.
VS
The State of West Bengal & Ors.

Ms. Sabana Hasin
Ms. Samima Akter
.... For the petitioners
Mr. Chandi Charan De
Mr. Anirban Sarkar
.... For the State

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

Ms. Sabana Hasin, learned advocate appears for the petitioners.

Mr. Chandi Charan De, learned Additional Government Pleader appears for respondent Nos. 1 to 5.

Private respondent Nos. 6 to 13 are not represented, despite notice. The law presumes that, they do not intend to defend this writ petition.

The petitioners through their predecessors in interest are the owners of a piece of land. The private respondents are also some of the co-owners. The petitioners claimed that, the subject piece of land though having been acquired by the State authority but no compensation has yet been received by the petitioners and the other owners of the land.

Necessary application was submitted on **January 6, 2023, annexure P-4** at **page 20** to the writ petition. The same has not been considered.

Learned Additional Government Pleader submits that, respondent No. 4 is the appropriate and jurisdictional authority to decide the issue.

Accordingly, to sub-serve justice, the petitioners shall serve a copy of this writ petition upon the respondent No. 4 along with a copy of today's order.

The respondent No. 4 then upon issuing a prior hearing notice of at least seven days to the petitioners and the private respondents and after granting them an opportunity of hearing shall decide the application dated **January 6, 2023, annexure P-4** at **page 20** to the writ petition by passing a reasoned order, in accordance with law.

The entire exercise as directed above, shall be carried out and completed by the respondent No. 4 positively within a period of ***eight weeks*** from the date of receiving the copy of the writ petition along with a copy of today's order. The respondent No. 4 then shall communicate its reasoned order to the petitioners, private respondents and/or other State authorities positively within a further 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 contentions of the petitioners and the petitioners and the private respondents 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.

In the event, the reasoned order goes in favour of the petitioners, the respondent No. 4 and/or any other appropriate jurisdictional State authorities shall take all necessary and consequential steps to give effect thereto in accordance with law but positively within a period of **six weeks** from the date of the communication of the said reasoned order to such appropriate State authorities.

It is made clear that, this order shall not create any right or equity in favour of the petitioners and the private respondents unless they clearly show their right to receive compensation qua the land acquired strictly in accordance with law.

In the event, the record shows that, no acquisition has taken place in respect of the piece of land claimed to have been acquired by the petitioners then the appropriate State authorities shall take all necessary steps to purchase the said land according to the provisions of the direct purchase policy framed by the State but strictly in accordance with law.

In the event, such steps are required to be taken, the same shall be done positively within a period of **six months** from the date of the said reasoned order to be passed.

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 14865 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.)