

Court No. 2
09.12.2024
(Item No. ML-45)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 15012 of 2024

Apurba Chakraborti
VS
The Kolkata Municipal Corporation & Ors.

Mr. Soumyen Datta
Mr. Rajendra Nath Barik
.... For the petitioner
Mr. N. C. Bihani
Ms. Debangana Dey Nayak
.... For KMC
Mr. Soumitra Bandyopadhyay
Mr. Priyabrata Batabyal
.... For respondent Nos. 7 to 9

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

Mr. Soumyen Datta, learned counsel appears
for the petitioner.

Mr. Soumitra Bandyopadhyay, learned senior
counsel appears for respondent Nos. 7 to 9.

Ms. Debangana Dey Nayak, learned advocate
led by Mr. N. C. Bihani, learned senior counsel
appears for respondent Nos. 1 to 6.

The petitioner complains of that the land of
the petitioner though has been utilized by the Kolkata
Municipal Corporation for public purpose for the
supply of drinking water station but no acquisition
has taken place neither any compensation has been
paid.

Ms. Debangana Dey Nayak, learned advocate appearing for Kolkata Municipal Corporation submits that the Corporation has been occupying the premises since long and from the premises water supply division is functioning for catering public purpose at large.

In view of the above, the petitioner shall serve a copy of the writ petition along with a copy of today's order upon the respondent No. 3 within a week from date. After receiving the said writ petition and the copy of today's order the respondent No. 3 shall serve a prior hearing notice of at least seven days to the petitioner, the other interested parties, if any, and at the office of the respondent No. 9. The respondent No. 9 then shall depute a responsible officer from his office to attend the hearing before the respondent No. 3. The respondent No. 3 thereafter shall grant an opportunity of hearing to the petitioner, other interested parties, if any, and the respondent No. 9 through its responsible officer and then shall decide the issue in the light of the case made out in 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 positively within a period of **six weeks** from the date of communication of this order. The reasoned order then shall be

communicate to the petitioner, other interested parties, if any, and at the office of the respondent No. 9 positively within a period of **one week** 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. The petitioner and the respondent No. 9 shall be at liberty to urge whatever points they wish to urge by relying upon whatever records and documents they wish to produce and to urge their points before the respondent No. 3.

In the event, the reasoned order goes in favour of the petitioner and other interested parties, if any, and it appears that the land is being utilized without any acquisition and without paying any compensation to the land owners then the Kolkata Municipal Corporation authority and the respondent No. 9 and or any other appropriate State authorities shall take all necessary and consequential steps to compensate the land owners adequately strictly in accordance with law. In such case the compensation shall be paid after compliance of all legal formalities if necessary by adopting direct purchase policy by the appropriate authority positively within a period of **four months** from the date of the said reasoned order to be passed.

It is made clear that, if it appears from records that compensation in respect of the land has already

been paid to the actual owners, there shall be no question of further payment of compensation.

It is also made clear that, this order shall not create any right or equity in favour of the petitioner and in favour of the other interested parties, if any, if they do not succeed to their respective claims before the respondent No. 3 strictly 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 15012 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.)