

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

06.12.2024
Ct. no.2
Sl. No. 10
Moumita

WPA 16508 of 2024

**Mehedi Hossain @ Bulan Sk.
Vs.
The State of West Bengal & Ors.**

**Mr. K. M. Hossain
Mr. Kazi Ardan Ali
.... For the Petitioner**

**Mr. Sk. Md. Galib, Sr. Govt. Adv.
Ms. Sujata Mukherjee
....for state/respondent**

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

Mr. Md. K. M. Hossain, learned advocate appears for the petitioner.

Ms. Sujata Mukherjee, learned state counsel appears for the respondents.

At the outset learned counsel appearing for the petitioner submits that for the time being the petitioner is not pressing **Prayer (a)** to the writ petition and the petitioner shall receive the awarded amount without prejudice to their rights and contentions in so far as **Prayer (a)** is concerned.

Accordingly, the petitioner shall serve a copy of complete set of writ petition along with the copy of today's order upon the **respondent no. 5** positively within a period of a week from date.

Thereafter, the **respondent no. 5** upon issuing a prior hearing notice to the petitioner and other interested parties, if any, and after granting them an opportunity of hearing shall

dispose of the representation dated **10th December, 2018 annexure P-4 at page 19** 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. 5** positively within a period of **six weeks** from the date of communication of this order and the reasoned order shall be communicated to the petitioner and the other interested parties, if any, positively within a further period of **one week** 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. 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. 5**.

In the event it appears that compensation is payable to the petitioner and other interested parties, if any, in terms of the award as mentioned in annexure **P-3 at page 18** to the writ petition the same shall be paid and disbursed to the petitioner and other interested parties, if any, strictly in accordance with law and without prejudice to their rights and contentions to further challenge the same, in accordance with law, if they are aggrieved with the quantum of compensation assessed by the authority.

It is made clear that if it appears from records that compensation has already been paid to the actual land loser then no further compensation shall be paid either to the petitioner or other interested parties.

It is made clear that this order shall not create any right or equity in favour of the petitioner or other interested parties, if any, if they do not succeed to their respective claims for compensation before the **respondent no.5** strictly in accordance with law.

If the petitioner and the other interested parties, if any, are found to be eligible to receive the award then the authority shall pay and disburse the same along with interest in accordance with law, if the amount is lying still deposited with the state authority, positively within a period of **three months** from the date of the said reasoned decision.

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 16508 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.)