

Court No. 2
11.12.2024
(Item No. 12)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 16596 of 2024

Sri Ramesh Singh & Ors.
VS
State of West Bengal & Ors.

Mr. Soumyadeep Biswas
.... For the petitioners
Mr. Dopanjan Datta, Id. Sr. Adv.
Ms. Indrani Nandi
... for the State
Mr. Dipankar Das
.... For respondent Nos. 5 & 6

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

Mr. Soumyadeep Biswas, learned advocate
appears for the petitioners.

Mr. Dipanjan Datta, learned State counsel
appears for respondent Nos. 1 to 4.

Mr. Dipankar Das, learned advocate appears
for respondent Nos. 5 and 6.

The petitioners claimed to be the joint owners
in respect of **L.R. Plot Nos. 1624, 1625 and 1626,**
Mouza – Kalyani, Nadia. The petitioners submit
that, these lands have been utilized for the public
purpose without any acquisition and without payment
of any compensation.

Learned counsel appearing for respondent Nos.
5 and 6 submits that **L.R. Plot Nos. 1624, 1625 and**
1626 have never been utilized for the project caused

to have been done at the instance of the respondent Nos. 5 and 6. Therefore there is no question of paying any compensation to the petitioners.

Learned State counsel submits that, the Plot numbers referred to above by both the parties were L.R. plot numbers. He further submits that **R.S. Plot No. 6973 corresponding to L.R. Plot No. 1625; R.S. Plot No. 6941 corresponding to L.R. Plot Nos. 1624 and 1626** have been acquired under **notification bearing No. 1448 LA (PW) dated 24.02.1989.**

Learned State counsel submits that, the acquisition is complete, award was determined and paid to the respective land owners who were the predecessors-in-interest of the petitioners.

A report filed by the State counsel duly signed by the respondent No. 4 is taken on record. Copy of the report is also made over to the learned counsel for the petitioners.

After considering the rival contentions of the parties and on perusal of the materials on record the writ petitioners shall serve a copy of the complete set of writ petition along with a copy of today's order upon the respondent No. 4 positively within **a week** from date.

Upon receiving a copy of the writ petition along with a copy of today's order the respondent No. 4 is directed upon issuing a prior hearing notice of at least

seven days to the petitioners and the jurisdictional Block Land and Land Reforms Officer and after granting them an opportunity of hearing shall decide the issue by passing a reasoned order in accordance with law.

The entire exercise shall be carried out completed by the respondent No. 4 positively within a period of **six weeks** from the date of communication of this order. The reasoned order shall be communicated to the petitioners and the jurisdictional B.L. & L.R.O. within a period of **two weeks** from the date of the said reasoned order to be passed.

In the event, the reasoned order goes in favour of the petitioners upholding the contentions of the petitioners that land has been utilized be it acquired or not but compensation has not been paid to the land owners/land losers including the predecessors-in-interest of the petitioners then the respondent No. 4 and/or any other appropriate State authority shall take necessary and consequential steps to give an immediate effect to the said reasoned order by determining the appropriate compensation to be payable to the petitioners and/or any other interested parties, if any, strictly in accordance with law and shall pay the same to the land owners/land losers positively within a period of three months from the date of the said reasoned order to be passed.

In the event, the reasoned order shows that the contention of the petitioners are totally false and compensation has been paid and received by the land owners including the predecessors-in-interest of the petitioners then the respondent No. 4 is directed to initiate appropriate criminal proceedings in accordance with law before the jurisdictional Criminal Court positively within a period of **two weeks** from the date of the said reasoned order to be passed.

In the event such criminal proceeding is initiated, the local Police authority shall take all necessary steps in accordance with law and shall provide all its assistance to conclude the criminal case as expeditiously as possible.

In the event such criminal case is initiated, the jurisdictional Criminal Court is requested to come to a logical conclusion therein as expeditiously as possible.

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 16596 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.)