

04.12.2024
Ct. No. 2
Sl. No. 14
Moumita

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side**

WPA 19477 of 2024

**Fatema Jinna and Anr.
Vs
The State of West Bengal & Ors.**

**Mr. Tushar Kanti Mukherjee
.....for the petitioners**

**Mr. Chandi Charan De,
Ld. Addl. Govt. Pleader
Ms. Reshma Chatterjee,
...for the State/respondents**

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

Mr. Tushar Kanti Mukherjee, learned advocate appears for the petitioners.

Mr. Chandi Charan De, learned Additional Government Pleader appears for the state/respondents.

The grievance of the petitioner is that without any acquisition of petitioners' land the same has been utilized for public purpose, but no compensation has been paid. The petitioners submitted representation dated **June 24, 2024, annexure P-2 at page 10** to the writ petition. The same has not been considered.

In view of the above, the respondent no. 3 upon issuing a prior of hearing of at least seven days to the petitioner and other interested parties, if any, and after granting them an opportunity of hearing shall decide the said representation dated **June 24, 2024**, as referred to above 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 shall be communicated to the petitioners and the other interested parties, if any, within a period of **two weeks** from the date of the said reasoned order to be passed.

In the event, the reasoned order shows that without any acquisition of land of the petitioners, the same has been utilized by the respondent no. 3 and/or any other appropriate authorities shall takes steps for paying compensation payable to the petitioners and other interested parties, if any, strictly in accordance with law and by adopting the direct purchase policy. But positively within a period of **six months** including making of payment to the land losers after complying due process of law.

It is made clear that this Court has not gone into the merits of the claim of the petitioners and the other interested parties, if any, and they shall be at liberty to urge whatever records and documents they wish to produce before the respondent no. 3 in support of their contentions.

This order shall not create any right or equity in favour of the petitioners or in favour of other interested parties, if any, they do not succeed to their respective strictly in accordance with law.

It also to be noted that if the record shows that the compensation has already been paid to the land losers then no further compensation shall be paid.

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 19477 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.)