

09.12.2024
Sl. No. 20.
D/L.
Mithun
Ct.No.39.

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

WPA 18285 of 2019

**Sudarshan Sardar & Ors.
Vs.
State of West Bengal & Ors.**

Mr. Tapash Kumar Bhattacharya,
Mr. Aviroop Bhattacharya
..for the petitioners

Mr. Soumitra Bandyopadhyay,
Mr. Aniruddha Sen
...for the State respondents.

At the outset, on the prayer of learned Advocate for the petitioners, leave is granted to add the Requiring Body, Superintending Engineer, State Highway Planning Circle, Bhabani Bhawan, Alipore, Kolkata-700027 as well as Executive Engineer, Highway Division, 24-Parganas(South) are added as party respondents.

Mr. Aviroop Bhattacharya, learned Advocate for the petitioner submits that pursuant to order passed by this Court in WP 5133(W) of 2017, hearing was conducted by the Special Land Acquisition Officer, 24-Parganas (South) and by order dated 27th December, 2017, the petitioners were found eligible and entitle to receive compensation to the extent of their land utilized for the project. The State in their affidavit-in-opposition has stated that the compensation can be paid by adopting the Direct Purchase Policy as per the

Notification dated 25th February, 2016. The petitioners are willing to receive compensation calculated on the basis of the aforesaid notification. He seeks for appropriate order.

Mr. Soumitra Bhattacharya, learned Advocate for the State-respondents submits that the State by applying the Direct Purchase Policy may offer to pay compensation to the petitioners as per notification dated 25th February, 2016. He seeks that a direction be issued upon the added respondent namely Executive Engineer, Highway Division of 24-Parganas (South) to take appropriate steps for payment of compensation to the petitioners having entitlement by adopting the Direct Purchase Policy of the Government.

The order of the Special Land Acquisition Officer, 24-Parganas (South) dated 27th December, 2017 shows that the petitioners are found to be entitled to compensation to the extent of their share in the land acquired.

In view of the aforesaid submissions, the added respondent no.4, Executive Engineer, Highway Division, South 24-Parganas is directed to take appropriate steps for payment of compensation by adopting Direct Purchase Policy as per notification being G.O.No.756-LP dated 25th February, 2016 published in the Calcutta Gazette Extra Ordinary on 1st March, 2016, within a period of four months from date of communication of this order.

Learned Advocate for the petitioners is directed to communicate this order to the respondent no.4, Executive Engineer, Highway Division, South 24-Parganas.

With the aforesaid observation, the writ petition being no. WPA 18285 of 2019 stands disposed of.

All connected applications, if any, stand disposed of.

There will be, however, no order as to costs.

Interim order, if any, stands vacated.

All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

Urgent photostat copy of this order, if applied for, be given to the parties upon compliance of necessary legal formalities.

(Bivas Pattanayak, J.)