

March 19, 2024
ARDR (12)

WPA 18861 of 2019

Bibhas Chandra Paria
Vs.
The State of West Bengal & ors.

Adv. Jayanta Kumar Das,	
Adv. Madhumanti Das,	...for the petitioner.
Adv. Manika Roy,	...for the NHAI.
Adv. Sirsanya Bandhopadhyay,	...for the State.

It is submitted on behalf of the State respondents that since the pipe lines in the plots in question are for the benefit of the public, removal of the same shall frustrate the said purpose and shall also not enure to the benefit of the petitioner in any manner. Learned counsel candidly submits that the plots may be purchased directly from the petitioner by the authority. It also appears from the report in the form of affidavit submitted by the Assistant Engineer, Contai Sub-Division that the Special Land Acquisition Officer, Purba Medinipur has stated that the plots in question have not been acquired. Admittedly the plots have been utilised.

The petitioner is agreeable to the proposal for direct purchase of the plots.

In view of the above, the writ petition is disposed of directing the 3rd respondent to initiate proceeding for direct purchase of the plots in question at the present

market rate of the plots and take the proceeding to its logical conclusion within four months from the date of communication of this order upon affording reasonable opportunity of hearing to all concerned including the petitioner, in accordance with law.

There shall however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)