

18 24.9.2024
Sc Ct. no.2

WPA 21160 OF 2024

Sital Chandra Mondal @ Sital Mondal & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Kumar Jyoti Tewari

Mr. Panchanan Hajra

Ms. Rajlakshmi Ghatak.

....For the Petitioners

Mr. Chandi Charan De, Ld. AGP

Mr. Anirban Sarkar.

.....For the Respondents

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

Mr. Kumar Jyoti Tewari, learned counsel appears
for the petitioners.

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

The land of the petitioners was requisitioned in
connection with ***Requisition Case No. I-40/1975-76.***
Steps were taken in accordance with law for acquisition
of the land but subsequently the requisition lapsed by
operation of law. The admitted position is that the land
has not been acquired.

Mr. Chandi Charan De, learned Additional
Government Pleader submits whether the land has at all
been utilized or if any, in part, it has been utilized, the
same has to be ascertained.

In view of the above and after considering the submissions made on behalf of the parties the following directions are passed:

- (i) The respondent no.5 upon issuing a prior notice to the petitioners shall cause an immediate physical inspection on the subject land and shall demarcate the same showing whether the land has been utilised in totality or in part. This exercise shall be carried out by the **respondent no.5** positively within a period of **six weeks** from the date of communication of this order;
- (ii) The respondent no.5 then shall place the report before the respondent no.2 within a period of **one week** from the date of the said physical inspection shall take place;
- (iii) The respondent no.2 if then is of the opinion that the entire land has been utilized or any part of it has been utilised, shall take all necessary steps for **Direct Purchase** of the utilized land or the part thereof, as the case may be, **at the present market value** in accordance with law;
- (iv) The entire exercise shall be completed by the **respondent no.2** positively within a period of **four weeks** from the date of receiving reports from the respondent no.5;
- (v) In the event, it is found that the land or any part of it is not utilized, the same shall have to be

handed over to the petitioners free from any encumbrances and encroachment, if any. Such handing over of land shall take place positively within a further period of **six weeks** from the date of arriving of the finding of the respondent no.2 as mentioned in **Clause (iii)** herein above;

(vi) Following the decision of the respondent no.2, the respondent no.5 shall deposit the money with the respondent no.2 positively within a period of **two weeks** from the date of communication of the decision of the respondent no.2 to the respondent no.5;

(vii) The respondent no.2 then shall disburse the entire amount to the petitioners on account of **Direct Purchase** payable to the petitioners in accordance with law positively within a period of **two weeks** from the date of receiving the fund from the respondent no.5.

The petitioners submit that they have already received the requisition compensation in accordance with law and they have no grievance on this score.

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 21160 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.)