

21 24.9.2024
Sc Ct. no.2

WPA 21163 OF 2024

Gangadhar Mondal & Anr.

Vs.

The State of West Bengal & Ors.

Mr. Kumar Jyoti Tewari

Mr. Panchanan Hajra

Ms. Rajlakshmi Ghatak.

....For the Petitioners

Mr. Soumitra Bandyopadhyay

Mr. Subhasis Bandyopadhyay.

.....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. Soumitra Bandyopadhyay, learned State counsel 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. Soumitra Bandyopadhyay, learned State counsel 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 utilized 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.

Mr. Soumitra Bandyopadhyay, learned State counsel files a report dated **September 18, 2024**,

issued under the signature of the Special Land Acquisition Officer, Hooghly, is taken on record.

With the above observations and directions, this writ petition, **WPA 21163 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.)