

23 26.9.2024
Sc Ct. no.2

WPA 22218 OF 2024

Mita Santra & Ors.

Vs.

State of West Bengal & Ors.

Mr. Motibur Rahaman
Mr. Nazrul M. Z. Hasan.

... For the Petitioners

Mr. Chandi Charan De, Ld. AGP
Mr. Anirban Sarkar.

... For the Respondent
Nos.1 to 4 & 6 to 7

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

Mr. Motibur Rahaman, learned advocate appears for the petitioners.

Mr. Chandi Charan De, learned Additional Government Pleader appears for the respondent nos. 1 to 4 and 6 to 7.

The petitioners claim to be the land losers whose land had already been utilized for construction of public road.

This is the second round of writ litigation. In the first round the writ petition, **WPA 25221 (W) of 2010** was disposed of by a coordinate Bench by its order dated **August 1, 2011, Annexure-P2 at page 28** to the writ petition directing the District Magistrate, Howrah to dispose of the representation of the petitioners filed, then.

Pursuant to the said direction, the concerned District Magistrate has passed its reasoned order in **2012** at **page 31** to the writ petition wherefrom it appears that, the District Magistrate had found that, the land was utilised by P.W. (Roads) without acquiring the same for construction of public road.

Learned counsel appearing for the petitioners submits that, till date compensation has not been paid though the land has been utilised long back. The petitioners submitted a representation dated **July 28, 2020, Annexure-P4 at page 33** to the writ petition but the same has not been considered by the State authority.

Considering the above, the respondent no.6 upon issuing a notice to the petitioners shall cause a physical inspection of the utilised land and ascertain the quantum of land, utilised and shall file a report before the jurisdictional Special Land Acquisition Officer, Howrah.

This exercise as directed above, shall be carried out and completed by the respondent no.6 positively within a period of **six weeks** from the date of communication of this order.

The Special Land Acquisition Officer, Howrah then upon issuing a prior hearing notice of at least **seven days** to the petitioners and after giving them an opportunity of hearing shall dispose of the said representation dated **July 28, 2020, Annexure-P4 at page 33** to the writ

petition by passing a reasoned order in accordance with law.

The Special Land Acquisition Officer shall quantify the compensation by exercising the ***Direct Purchase*** policy of the State.

This exercise shall be carried out by the Special Land Acquisition Officer, Howrah positively within a period of ***six weeks*** from the date of receiving the inspection report from the respondent no.6. The reasoned order shall be communicated to the petitioners positively within a period of ***one week*** from the date of the said reasoned order to be passed by the Special Land Acquisition Officer, Howrah.

The Special Land Acquisition Officer then submit a copy of the reasoned order to the respondent no.6 for arrangement of the funds positively within a period of ***two weeks*** from the date of the said reasoned order to be passed.

The respondent no.6 then shall arrange the entire fund positively within a period of ***three months*** from the date of receiving the reasoned order from the ***Special Land Acquisition Officer*** and then shall transfer the fund to the respondent no.2 within a period of ***four weeks*** from the date of the said arrangement of fund.

The respondent no.2 then shall disburse and pay the petitioners and complete the proceeding within a

period of **one month** from the date of receiving money from the respondent no.6.

It is made clear that, this Court has not gone into the merits of this writ petition and the petitioners shall be at liberty to place their all points with all supporting documents before the Special Land Acquisition Officer during the hearing.

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 22218 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.)