

03.10. 2024
SL No.17

Court No.2
sg

WPA 23411 of 2024

Dharani @ Naru Manna & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Supratick Shyamal

Mr. Dilip Kumar Shyamal

...for the petitioners.

Mr. Chandi Charan De

Mr. Anirban Sarkar

...for the State.

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

Mr. Supratick Shyamal, learned Counsel appears for the petitioner.

Mr. Chandi Charan De, Additional 1 to Government Pleader appears for the respondent nos. 1 to 11.

The rest of the respondents are not represented despite notice.

The petitioners claim that their land has already been utilized by the State authority for a public purpose at the relevant point of time to prevent flood without any acquisition. Learned Counsel for the petitioner refers the communication dated July 22, 2024 **annexure p-8 to** at page 80 to the writ petitioner in support of his contention. Claiming compensation, since no compensation has yet been paid, the petitioners submitted a

representation dated July 9, 2024 **annexure p-8** at page 60 to the writ petition, the same has not yet been considered.

Considering the above, the respondent no.11 is directed upon issuing a prior notice to the petitioners to demarcate the subject portion of the land of the petitioners and to prepare a report. Copy of the report shall be provided to the petitioners and the respondent no.7.

This exercise shall be carried out and completed by the respondent no.11 positively within a period of 6 weeks from the date of communication of this order.

The respondent no.7 after receiving the report from the respondent no.11 upon issuing a prior hearing notice of at least 7 days to the petitioners and after granting them an opportunity of hearing shall decide the said representation dated July 9, 2024 at page 60 to the writ petition by passing a reasoned order in accordance with law. The respondent no.7 shall opt for direct purchase policy of the State in accordance with law.

This exercise shall be carried out and completed by the respondent no.7 within 8 weeks from the date of receiving the report from the respondent no.11 and the reasoned order shall be communicated to the petitioners and the respondent no.2 positively within a period of one

week from the date of the said reasoned order to be passed.

The respondent no.2 then shall take all necessary and consequential steps to give an immediate effect to the said reasoned order expeditiously in accordance with law, to enable the petitioners to receive the compensation according to law.

Respondent no.7 shall arrange for the necessary funds and provides the same to the respondent no.2 with utmost expedition within 3 months from the date of communication of the reasoned order.

It is made that this Court has not gone into the merits of the contentions of the petitioners and the petitioners shall be at liberty to urge whatever points they wish to urge by relying upon whatever records they wish to rely upon before the respondent no.7. 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 observation and direction, this **writ petition 23411 of 2024** stands **disposed of**, without any order as to costs.

(Aniruddha Roy, J.)