

07.10.2024

Item No. 10

Crt.No.02

b.r.

WPA 23781 of 2024

Ranendranath Giri

-vs-

The State of West Bengal & Ors.

Mr. Indrajit Roy Chowdhury

..... for the petitioner.

Mr. Chandi Charan De, Ld. AGP

Ms. Reshma Chatterjee

.... For the State.

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

Mr. Indrajit Roy Chowdhury, learned advocate appears for the petitioner.

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

The respondent nos. 7 and 8 are not represented, despite notice.

The grievance of the petitioner that on his portion of land, the PWD authority had constructed the road without acquiring the land thus the land of the petitioner has been utilized for construction of PWD road without paying any compensation to the petitioner. The petitioner submitted its representation dated **July 22, 2024, annexure p-3 at page-26** to the writ petition, the same has not been considered.

In view of the above, the **respondent no.5** is directed upon issuing a notice to the petitioner shall cause a physical inspection of the alleged encroachment and then shall prepare a report. Copy of the report shall be provided to the petitioner and the **respondent no.6**.

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.

After receiving the said report from the **respondent no.5**, the **respondent no.6** upon issuing a prior hearing notice to the petitioner and after granting him an opportunity of hearing shall dispose of the said representation dated **July 22, 2024, annexure p-3 at page-26** to the writ petition by passing a reasoned order in accordance with law.

It is made clear that this Court has not gone into the merits of claim of the petitioner and the petitioner shall be at liberty to urge whatever points he wishes to urge by relying upon whatever records and documents he wishes to rely upon before the **respondent no.6**, but the same shall not travel beyond the scope of the said representation dated **July 22, 2024**.

In the event, the reasoned order confirms utilization of the petitioner's land without any acquisition then the **respondent no.6** shall immediately send a copy of the reasoned order to the **jurisdictional**

Special Land Acquisition Officer positively within a period of **three weeks** from the date of the reasoned order to be passed and the said **jurisdictional Special Land Acquisition Officer** shall take all necessary and consequential steps to exercise the **Direct Purchase Policy** and to complete all the formalities with regard thereto positively within a period of **six weeks** from the date of receiving the reasoned order from the respondent no.6.

The jurisdictional **Special Land Acquisition Officer** then shall inform the quantum to the **respondent no.6** within a period of **two weeks** from the date of quantification of the amount and the **respondent no.6** then shall arrange for the fund and send it to the office of the **respondent no.2** positively within a period of **four months**.

The **respondent no.2** then shall release the fund to the petitioner in accordance with law after verification of all records and after compliance of all the formalities **within a month** from the date of receiving the fund.

It is made clear that this order shall not create any right or equity in favour of the petitioner, if the petitioner does not succeed to its claim made in the said representation dated **July 22, 2024**.

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 23781 of 2024** stands **disposed of**, without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously, on compliance of usual legal formalities.

(Aniruddha Roy, J.)