

WPA 23244 of 2023

Prithvwiraj Ghosh
Vs.
The State of W.B. & Ors.

Mr. Amit Kumar Pan	
Ms. Tanusri Santra	...for the petitioner.
Mr. Chandi Charan De	
Mr. Anirban Sarkar	...for the State.
Mr. Satyajit Talukdar	
Ms. Rutika Verma	...for KMDA.

Report in the form of affidavit submitted on behalf of the State respondents is taken on record.

Heard learned counsels for the parties.

It is not in dispute that vide L.A. case no. LA II/105 of 1976-77, 0.10 acres out of 0.27 acres in plot no.2469 and 0.04 acres out of 0.09 acres in plot no.2494 has been acquired by the State respondents and made over to the Kolkata Metropolitan Development Authority, which is the requiring body.

The innocuous prayer of the petitioner is for demarcation of the acquired portion of the plots in order to enable him to utilize the remaining portion owned by him.

Learned counsel for the State respondents submits that since the land has been acquired by the requiring body, the LA Collector is not in control of the same for the purpose of demarcation of the acquired area.

There is no document on record as to whether the acquired portion of the plots have been demarcated by the Collector in terms of Section 4(2) of the Land Acquisition Act, 1894.

In view of the above, this Court is inclined to hold that since only a portion of both the plots have been admittedly acquired, the Collector, South 24 Paraganas, being the 2nd respondent herein, be directed to demarcate the acquired portions of the plots being plot nos.2469 and 2494 in presence of KMDA as well as the petitioner within six weeks from the date of communication of this order.

The KMDA, being the 5th respondent herein, is directed to cooperate with the demarcation work and render all necessary assistance including production of documents necessary for the purpose of demarcation.

With the above observations and directions the writ petition is disposed of.

There shall, however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)