

Court No. 2
02.12.2024
(Item No. 19)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 23409 of 2023

Sk. Abdus Samad & Ors.
VS
The State of West Bengal & Ors.

Mr. Shouvik Naskar
.... For the petitioners
Mr. Soumitra Bandyopadhyay
Mr. Srinath Singha Roy
.... For the State
Mr. S. M. Hassan
Ms. Anupama Yasmin
.... For Haldia Municipality
Mr. Salil Kumar Maiti
.... For respondent No. 7

There are six individual petitioners. Subject to payment of six numbers individual Court fees this order shall be effected.

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

Mr. Shouvik Naskar, learned counsel appears for the petitioners.

Mr. Soumitra Bandyopadhyay, learned State counsel appears for the respondent Nos. 1 to 6.

Mr. Salil Kumar Maiti, learned advocate appears for respondent No. 7.

Mr. S. M. Hassan, learned advocate appears for respondent Nos. 8 to 10.

The petitioners being the legal heirs of one Abdul Jabbar, since deceased state that the land of the deceased was acquired but neither compensation

has been paid till date nor rehabilitation has been effected for the land losers by the Haldia Development Authority.

The scheme is such that first the compensation has to be paid then only the question of rehabilitation shall be considered, if any. The petitioners submitted its representation dated **July 17, 2023, annexure P-8** at **page 28** to the writ petition, the same has not been considered.

At the outset it is made clear that, this writ petition is disposed of only for the purpose of considering the claim on account of money compensation, if not paid already. The question of rehabilitation is not decided in this writ petition.

In view of the above, respondent No. 6 upon issuing a prior hearing notice of at least seven days to the petitioners, respondent No. 7 and respondent No. 8 through its appropriate authority and after granting them an opportunity of hearing shall decide the said representation dated **July 17, 2023, annexure P-8** at **page 28** to the writ petition only to a restrictive manner for determining the monetary compensation part by passing a reasoned order in accordance with law, if not paid already.

The entire exercise 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 and the reasoned order shall be communicated to the petitioners, respondent No. 7 and respondent No. 8 within a further period of **two weeks** from the date of the said reasoned order to be passed.

It is made clear that, this Court has not gone into the merits of the claim of the petitioners in so far as the claim on monetary compensation of the acquired land is concerned and the petitioners and all other parties shall be at liberty to urge whatever points they wish to urge by relying upon whatever records and documents they wish to rely upon before the respondent No. 6.

It is made clear that, in the event, the record shows the monetary compensation has already been paid to the land losers then no further question of making payment of compensation shall arise.

In the event, the compensation is determined and payable to the petitioners upon proving their legitimate status to receive the same before the respondent No. 6 then the respondent No. 6 and/or any other appropriate authorities shall take all necessary and consequential steps to disburse and pay the compensation to the land losers in accordance with law but positively within a further period of **three months** from the date of the said reasoned order to be passed.

It is made clear that, this order shall not create any right or equity in favour of the petitioners if they do not succeed to their respective claims for receiving monetary compensation strictly in accordance with law before the respondent No. 6.

It is also made clear that, the question of rehabilitation has not been gone into this writ petition and such question is kept open for further decision, if situation so arises, in accordance with law.

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 23409 of 2023** stands **disposed of**, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)