

16.12.2024

Item No. 10

Crt.No.02

b.r.

WPA 23701 of 2023

Khandakar Islam Ali Anr.

-vs-

The State of West Bengal & Ors.

Mr. Nilratan Banerjee

.... For the petitioners.

Mr. Chandi Charan De, Ld. AGP

Mr. Ayan Banerjee

Ms. Reshma Chatterjee

.....for the State.

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

Mr. Nilratan Banerjee, learned advocate appears for the petitioners.

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

The petitioners submit that the **Public Works Department (PWD)** by encroaching the land of the petitioners has constructed a portion of PWD road.

Thus the land of the petitioners has been utilized by PWD without any acquisition. No compensation has been paid.

The record shows that respondent no.5 has already demarcated the utilized portion of the land.

In view of the above, the respondent no.6 upon issuing prior notice to the petitioners and other

interested parties, if any, on the portion of land shall fix the quantum payable by way of compensation in accordance with law to the petitioners and other interested parties, if any, on the portion of land. The respondent-PWD shall adapt the **Direct Purchase Policy** in accordance with law.

After assessment and determining the compensation in accordance with law, the amount shall be paid and disbursed to the petitioners and other interested parties, if any, positively within a period of **six months** from the date of communication of this order.

This order shall not create any right or equity in favour of the petitioners or any other interested parties, if any, if they do not succeed to their respective claims on the land strictly in accordance with law before the **respondent no.6.**

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 23701 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.)