

Court No. 2
06.11.2024
(Item No. 1)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 24700 of 2024

Smt. Gita Kayal & Anr.

VS

The State of West Bengal & Ors.

Mr. Debashish Sarkar

Mr. Gautam Chakraborty

Ms. Sonali Halder

.... For the petitioners

Mr. Ayan Banerjee

Mr. Amritlal Chatterjee

.... For the State respondents

Mr. Subhankar Nag

Mr. Debayan Sen

.... For respondent No. 5

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

Mr. Gautam Chakraborty, learned advocate
appears for the petitioners.

Mr. Subhankar Nag, learned advocate appears
for the respondent No. 3.

Mr. Amritlal Chatterjee, learned advocate led
by Mr. Ayan Banerjee, learned State counsel appear
for respondent Nos. 1, 2 and 4.

The petitioners complain of though the land of
the petitioners was acquired for public purpose and
the same has been delivered to the respondent No. 3
requiring body arising out of the **Land Acquisition**
Case No. 87 of the case No. **D8/1 of 1973-74**, no
compensation has yet been paid. The petitioners
submitted their representation from time to time, the
last of which is **May 7, 2024, annexure P-6** at **page**

22 to the writ petition. The same has not yet been considered.

In view of the above, the respondent No. 2 upon issuing a prior hearing notice of at least seven days to the petitioners and after affording them an opportunity of hearing shall decide the said representation dated **May 7, 2024** and shall quantify the compensation. If from records it appears from the respondent No. 2 several other interested parties are there, they shall also be served with appropriate notice of hearing and shall be granted an opportunity of hearing in the same manner. The respondent No. 2 then shall dispose of the said representation by passing a reasoned order in accordance with law.

The entire exercise as directed herein shall be carried out and completed by the respondent No. 2 positively within a period of **ten weeks** from the date of communication of this order. The respondent No. 2 then shall disburse and pay compensation to the petitioners and other interested parties, if any, if the compensation has not yet been paid already, upon compliance of all formalities in accordance with law positively within a further period of **six weeks** from the date of the said reasoned order to be passed. The time frames fixed herein are mandatory.

It is made clear that, this Court has not gone into the merits of the claim of the petitioners or any interested parties, if any, and they 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. 2.

It is made clear that, this order shall not create any right or equity in favour of the petitioners or any interested parties, if they do not succeed to their respective claims strictly in accordance with law.

It is needless to mention that, the determination of compensation shall be strictly 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 **W.P.A. 24700 of 2024** stands **disposed of**, without any order as to costs.

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

(Aniruddha Roy, J.)