

26.11.2024

Item No. 49

Crt.No.02

b.r.

WPA 25139 of 2024

Basudeb Ghosh & Ors.

-vs-

The State of West Bengal & Ors.

Ms. Tanusri Santra

.... For the petitioners.

Mr. Ayan Banerjee

Mr. Sayan Ganguly

... for the State-Resp. nos. 1 to 4.

Mr. Satyajit Talukdar

Mr. Anirdam Chatterjee

.... For the K.M.D.A.

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

Ms. Tanusri Santra, learned advocate appears for the petitioners.

Mr. Satyajit Talukdar, learned counsel appears for the respondent no.5.

Mr. Ayan Banerjee, learned State counsel appears for the respondent nos. 1 to 4.

The principal prayer in the writ petition is quoted below:-

“(a) A writ in the nature of Mandamus commanding the respondents to demarcate the acquired area of said plot bearing Nos. 2753, 2323 and 2467 respectively so acquired in connection with the said proceeding bearing Case No. L.A-

II/105 of 1976-77 to enable the petitioner to develop the said land for his own use and occupation, forthwith.”

The petitioners submit that after acquisition of the plot they are still mixed with the unacquired plots of the petitioners. The petitioners submitted representation dated **September 3, 2024, annexure p-3 at page-36** to the writ petition for proper demarcation of the acquired plots, so that those can be segregated from the unacquired plots. No steps have been taken.

In view of the above, the **respondent no.2** upon issuing a prior notice of at least **seven days** to the **petitioners** and the **respondent no.5** shall cause a physical inspection of the acquired plots and then demarcate the acquired portion so that the same can be segregated from the unacquired plots.

The entire exercise shall be carried out and completed by the respondent no.2 positively within a period of **six weeks** from the date of communication of this order. The respondent no.2 thereafter shall communicate its decision showing demarcation of the acquired portions of plots with a proper sketch map to the petitioners and the respondent no.5 positively within a further period

of **two weeks** from the date of the physical inspection as directed above.

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 25139 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.)