

11.11.2024

Item No. 24

Crt.No.02

b.r.

WPA 25911 of 2024

Amatun Nur & Ors.

-vs-

The State of West Bengal & Ors.

Mr. Debasis Sur

Mr. Hare Krishna Halder

.... For the petitioners.

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

This order shall be effected upon payment of seventeen numbers of Court Fees to be affixed by the petitioners. One has been paid the rest sixteen shall be paid, subject to such condition, this order shall be effected.

Mr. Debasis Sur, Learned advocate appears for the petitioners.

None appears for the respondents, despite notice.

Considering the issue involved in this writ petition, Mr. Priyabrata Batabyal, learned State advocate is present in Court, is requested to appear in the matter, hold the brief to assist this Court henceforth in the matter. His appearance shall be regularized by the office of the learned Legal

Remembrancer forthwith. Copy of the writ petition has been served upon Mr. Batabyal in Court.

The petitioners complain of that their land has been acquired long back but no compensation has yet been paid to the land-losers. The petitioners submitted representation dated **October 27, 2023, annexure p-2 at page-25** to the writ petition, but the same has not been considered.

In view of the above, the jurisdictional **Special Land Acquisition Collector** upon issuing a prior notice of hearing of at least **ten days** to the petitioners and other interested parties, if any, and upon giving, them an opportunity of hearing shall dispose of the said representation dated **October 27, 2023**, as referred to above, by passing a reasoned order in accordance with law.

The entire exercise shall be carried out and completed by the jurisdictional **Special Land Acquisition Collector** positively within a period of **eight weeks** from the date of communication of this order.

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

shall be at liberty to urge whatever points they wish to urge on their claim for compensation on acquired land by relying upon whatever records and documents they wish to rely upon before the jurisdictional **Special Land Acquisition Collector**.

If the reasoned order goes in favour of the petitioners and other interested parties, if any, the jurisdictional **Special Land Acquisition Collector** and any other appropriate State Authority shall give an immediate effect thereto by taking all necessary and consequential steps in accordance with law. The compensation shall be calculated and determined strictly in accordance with law.

It is needless to mention that if the petitioners or other interested parties, if any, are found to have been paid the compensation already, they shall not be paid any further compensation.

It is further made clear that this order shall not create any right or equity in favour of the petitioners and other interested parties, if any, if they do not succeed to their respective claims 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, **WPA 25911 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.)