

26.11.2024

Item No. 52

Crt.No.02

b.r.

WPA 26652 of 2024

Ananda Middya & Ors.

-vs-

The State of West Bengal & Ors.

Mr. Syed Shamsul Arefin

.... For the petitioners.

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

Mr. Syed Shamsul Arefin, learned advocate appears for the petitioners.

None appears for the State-respondents, despite service.

The petitioners contend that they are the owners of the land under **Dag No. 169** which comprising of **3 acres 76 Satak**, according to the petitioners. The said land has been acquired but the compensation paid to the petitioners and/or the land losers not taking into consideration of the entire quantum of land acquired but the compensation has been paid for part of it. The petitioners submitted its representation dated **March 4, 2024, annexure p-5 at page-21** to the writ petition but the same has not yet been disposed of.

In view of the above, upon issuing a prior notice of at least **ten days** to the petitioners and other interested parties, if any, the **respondent no.5** shall cause a physical inspection of the acquired land and/or the acquired portion of land and then shall demarcate the same in accordance with law.

This exercise shall be carried out by the respondent no.5 positively within a period of **four weeks** from the date of communication of this order.

The respondent no.5 then shall submit the report to the petitioners, other interested parties, if any, and the respondent no.4 positively within a further period of **two weeks** from the date of the said physical inspection will take place.

The respondent no.4 then upon issuing a prior hearing notice of at least **seven days** to the petitioners, other interested parties, if any, and after granting them an opportunity of hearing shall dispose of the said representation dated **March 4, 2024, annexure p-5 at page-21** to the writ petition by passing a reasoned order.

It is needless to mention that if it is found that the compensation has been paid to the petitioners or their predecessors-in-interest in respect of the entire land acquired then no further compensation shall be paid to the petitioners or other interested parties, if any. If the

reasoned order confirms that the compensation has not been paid to the petitioners or their predecessors-in-interest for the entire acquired land and paid for the portion of the same then after assessment of the adequate compensation in respect of the land for which compensation has not been paid in accordance with law, such compensation shall be paid to the petitioners and other interested parties, if any, who are eligible to receive such compensation in law positively within a period of **six months** from the date of the said reasoned order to be passed by the respondent no.4.

It is made clear that 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 strictly in accordance with law.

It is made clear that this Court has not gone into the merits of the 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 by relying upon whatever records and documents they wish to rely upon before the **respondent no.4** but the same shall not travel beyond the scope of the said representation dated **March 4, 2024**.

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 26652 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.)