

20.11.2024
Sl. No. 39
g.b.
Court No.02

W.P.A. 26771 of 2024

Sadhan Mondal
-Vs-
The State of W. B. & Ors.

Mr. Golam Mastafa
Mr. T. S. Samanta
.....For the Petitioner
Mr. Ayan Banerjee
Mr. Amritlal Chatterjee
....For the State

Affidavit of service filed in court is taken on record.

Mr. Golam Mastafa, learned advocate appears for the petitioner.

Mr. Amritlal Chatterjee, learned advocate led by Mr. Ayan Banerjee, learned State counsel appears for the respondents.

Referring to Annexure - 'P-5' at page 24 the petitioner submits that a notice has been issued by the Jurisdictional Land Acquisition Collector upon the petitioner to collect the compensation for a sum of Rs. 1,07,916/- on account of the land acquired by the State authority. The petitioner claims to be the land loser.

Learned advocate for the petitioner then refers to a document (Annexure – 'P-6' at page 26 to the writ petition) dated January 13, 2014 through which the petitioner has raised its objection with regard to the quantum of compensation. Learned advocate for the petitioner has informed this court that no copy of the award has been served upon the petitioner.

In view of the above, the Respondent No. 2 is directed to provide and serve the award determining the compensation in respect of the land acquired by the State

in question positively within a period of four weeks from the date of communication of this order.

The petitioner then shall at liberty to initiate appropriate proceedings strictly in accordance with law, if the petitioner is entitled to do so in law to challenge the quantification of the award before the appropriate jurisdictional forum positively within a period of four weeks from the date of receipt of such award.

It is made clear that this order shall not create any right or equity in favour of the petitioner, if the petitioner is otherwise not eligible to institute the proceeding challenging the compensation award in accordance with law and the question of maintainability of the proceeding shall also be kept open.

In the event such proceeding is instituted by the petitioner before the jurisdictional forum, such forum after granting an opportunity of hearing to the petitioner and other interested parties, if any, shall dispose of the said proceeding in accordance with law but within a period of six months from the date of filing of such proceeding and after giving an opportunity of hearing to the petitioners and other interested parties, if any, and then by passing a reasoned order.

Since no 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 observation and direction, this writ petition **WPA 26771 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.)