

29.11.2024
Ct. No. 2
Sl. No.32
Moumita

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side**

WPA 27358 of 2024

**Biman Rej
Vs
The State of West Bengal and Ors.**

**Mr. Gazi Faruque Hossain
Ms. Varsha Roy
..... for the Petitioners.**

**Mr. Soumitra Bandyopadhyay, Ld. Govt. Adv.
Mr. Subhasis Bandyopadhyay
...for the State/Respondents**

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

Mr. Gazi Faruque Hossain, learned advocate appears for the petitioner.

Mr. Soumitra Bandyopadhyay, learned senior counsel appears for state/respondent.

The writ petitioner claims to be the owner of a particular plot of land. It is submitted by the learned counsel for the petitioner that the said land has been utilized by the State for a public purpose without acquisition but no compensation has been paid. Referring to a notice **Annexure P-2 at page 17** to the writ petition, learned counsel for the petitioner submits that the land of the petitioner is included therein. The petitioner submitted its representation dated **August 14, 2024, annexure P-4 at page 21** to the writ petition but the same has not been disposed of. The petitioner has not received any compensation till date.

Learned Additional Government Pleader has denied and disputed the submissions of the petitioner. He submits that the land has not been utilized but the State wants to purchase the same under Direct Purchase Policy in terms of the said notification at **page-17** to the writ petition.

After considering the submissions made on behalf of the parties and upon perusal of the material on record, the **respondent no. 6** is directed upon issuing a prior hearing notice of at least **seven days** to the petitioner and other interested parties, if any and then after granting them an opportunity of hearing shall decide the said representation dated **August 14, 2024** by passing a reasoned order in accordance with law.

It is needless to mention that while deciding the issue, the **respondent no. 6** shall consider the said notification at **page 17** to the writ petition.

The entire exercise as directed herein shall be carried out and completed by the **respondent no. 6** positively within a period of **six weeks** from the date of communication of this order. The reasoned order then shall be communicated to the petitioner and other interested parties, if any, positively within a further period of **two weeks** from the date of the said reasoned order to be passed.

It is made clear that this court has not gone into the merit of the claim writ petitioner and writ petition itself and the petitioner and the other interested parties, if any, shall be at liberty to urge whatever points they wish to urge by relying upon and whatever records and documents they wish to rely upon before the **respondent no. 6** but the same shall not

travel beyond the scope of the said representation dated **August 14, 2024**, as referred to above.

After the said reasoned order shall be passed, the **respondent no. 6** and other appropriate State authorities shall take all necessary and consequential steps give an immediate effect to the said reasoned order but positively within a period of **six weeks** from the date of the said reasoned order to be passed by executing the necessary **Deed of Conveyance** and also by making the necessary payment in accordance with law to the petitioner.

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 27358 of 2024** stands **disposed of**, without any order as to costs.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties expeditiously, on compliance of usual legal formalities.

(Aniruddha Roy, J.)