

04.11.2024

Item No. 21

Crt.No.02

b.r.

WPA 27178 of 2022

Ashim Kumar Mondal & Ors.

-vs-

The State of West Bengal & Ors.

Mr. Swapan Kumar Kar

.... For the petitioners.

Mr. Ashim Kumar Ganguly, Ld. AGP

Mr. Ramchandra Guchait

.... For the State.

Mr. Swapan Kumar Kar, learned counsel appears for the petitioners.

Mr. Ashim Kumar Ganguly, learned Additional Government Pleader appears for the State-respondents.

Learned Additional Government Pleader files a report in the form affidavit on behalf of the respondent no.3 affirmed on August 7, 2024, the same is taken on record.

Copy has already been served upon the petitioners.

On instruction from his client, learned counsel for the petitioners submit that the petitioners shall not file any exception to the said

report and shall proceed on the basis of the existing materials.

The report shows that though the piece of land of the petitioners was not acquired but the same has already been utilized for public purpose.

Inter alia, from **paragraphs 7 to 13** of the report filed on behalf of the respondent no.3, it appears that the State has also admitted that the land since has not been acquired but utilised for public purpose that State has to adopt and follow the Direct Purchase Policy to compensate the petitioners as the land-loser.

In view of the above, the respondent nos. 2 and 3 if necessary in consultation with the respondent no.5 shall immediately exercise the option for **Direct Purchase Policy** in respect of the land in question so that the petitioners can be compensated strictly in accordance with law. While exercising the option for Direct Purchase Policy, the authorities must and should consider and take into account all the relevant factors and must adopt all the relevant procedure and policies strictly in accordance with law.

The entire exercise shall be carried out and completed including the payment of money to the petitioners by the respondent nos. 2 and 3

positively within a period of **six months** from the date of communication of this order upon compliance all the statutory formalities.

It is made clear that this Court has not gone into the merits of the writ petition. The petitioners shall be at liberty to proceed whatever records and documents they wish to produce before the respondent nos. 2, 3 and 5 at the appropriate stage.

With the above observations and directions, this writ petition, **WPA 27178 of 2022** stands **disposed of**, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)