

09.12.2024
Ct. No. 2
Sl. No. 7
Moumita

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

WPA 26462 of 2023

**Rahim Box Molla
Vs
The State of West Bengal & Ors.**

**Mr. K.M. Hosain
Ms. Keya Sutradhar
Mr. Kazi Ardan Ali
....for the petitioners**

**Mr. Soumitra Bandyopadhyay
Mr. Priyabrata Batabyal
.....for the respondents nos. 1 to 7.**

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

Mr. K.M. Hossain, learned Senior counsel appears for the petitioner.

Mr. Priyabrata Batabyal learned advocate led by Mr. Soumitra Bandyopadhyay learned state counsel appears for respondent nos. 1 to 7.

The petitioner has a minor son being represented thorough his natural guardian and father who has filed this writ petition, claims to be the owner of a plot of land. The complaint is that through the said plot of land a canal has been constructed by the **respondent no. 4**. The land has not been acquired neither any compensation paid for such utilization.

Referring to **page 47** to the writ petition being **annexure P-8**, petitioner submits that the land on which canal was excavated is the rayati land.

In view of the above, the petitioners shall serve a complete set of writ petition along with today's order upon the **respondent no. 4**.

The **respondent no. 4** then upon issuing a prior notice of hearing of at least seven days to the petitioner and the **respondent no. 5** and after granting them an opportunity of hearing shall decide the issue in the light of the writ petition by passing a reasoned order and in accordance with law.

The entire exercise shall be carried out and completed by the **respondent no. 4** positively within a period of **six weeks** from the date of the communication of this order. The reasoned order shall be communicated to the petitioner and the **respondent no. 5** positively within a period of **one week** from the date of the said reasoned order to be passed.

It is made clear that this Court has not gone into the merits of the claim of the petitioner, he shall be at liberty to urge whatever points he wishes to urge by relying upon whatever records and documents he wishes to rely upon before the **respondent no.4**.

Subject to the ownership of the relevant land being established by the petitioner, if the reason decision goes in his favour the petitioner, he shall be adequately compensated by the **respondent no. 4** and/or any other state authority strictly in accordance with law.

The law is settled that if the land of a land owner without any acquisition is utilized, such land loser shall be appropriately compensated strictly in accordance with law and if necessary by applying the direct purchase policy.

In the event the reasoned order goes in favour of the petitioner, the appropriate compensation shall be paid to the petitioner strictly in accordance with law positively within a period of **three months** from the said of said reasoned order to be passed after completion all the legal formalities.

It is made clear this order shall not create any right or equity in favour of the petitioner, and if he does not succeed to his claim before the respondent no. 4 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 26462 of 2023** stands ***disposed of***, without any order as to costs.

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

(Aniruddha Roy, J.)