

04.12.2024
Ct. No. 2
Sl. No. 34
Moumita

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

WPA 28044 of 2024

**Vijoy Kumar Tiwari and Ors.
Vs
The State of West Bengal & Ors.**

**Ms. Mousumi Bhowal
.....for the petitioners**

**Mr. Chandi Charan De
Ld. Addl. Govt. Pleader
Mr. Anirban Sarkar
...for the State/respondents**

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

Ms. Mousumi Bhowal, learned advocate appears for the petitioners.

Mr. Chandi Charan De, learned Additional Government Pleader appears for the state/respondents.

The petitioners submit that in connection with **L.A. Case No. LD 93 of 1949-50**. The land of the petitioners mentioned in detail in **paragraph 2** to the writ petition was acquired but till date no award has been published determining the compensation to the petitioners. The necessary proceeding for determining compensation is still pending, which was last heard for consideration in the year 2021.

Learned counsel appearing for the petitioner submits that in the meantime **The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013** has come into force. She claims that now compensation has to be determined in the light of **the said 2013 Act.**

Referring to a judgment of a co-ordinate bench dated **August 23, 2024** rendered in **WPA 17016 of 2015 annexure P-8 at page 29** to the writ petition, learned counsel for the petitioners submits that the case of the petitioner is identical with the issue decided by the co-ordinate bench in the said judgment and accordingly she prays for similar order.

Considering the submissions made on behalf of the parties and upon perusal of the materials on record, the petitioners shall serve a complete set of writ petition upon the respondent no. 3 within a week from date.

The respondent no. 3 upon issuing a prior of hearing of at least seven days to the petitioners shall consider the issue in the light of the case made out in the writ petition and the said judgment of the co-ordinate bench dated **August 23, 2024** rendered in **WPA 17016 of 2015 annexure P-8 at page 29** to

the writ petition, after granting them an opportunity of hearing and by passing a reasoned order in accordance with law.

The entire exercise shall be carried out and completed by the respondent no. 3 positively within a period of **eight weeks** from the date of communication of this order. It is needless to mention that depending upon the outcome in the said reasoned order the appropriate state authorities shall take steps in accordance with law in an expeditious manner and if the petitioners are aggrieved with the same they shall be at liberty to initiate appropriate legal proceedings challenging the same 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 28044 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.)