

Court No. 2
06.12.2024
(Item No. 22)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 28259 of 2024

Sri Mangal Das
VS
The State of West Bengal & Ors.

Mr. Partha Pratim Roy
Mr. Anirban Das
Ms. Paulami Chakraborty
Mr. Samrat Chakraborty
.... For the petitioner
Mr. Avijit Sarkar
Mr. Bibakananda Tripathy
.... For the State

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

Mr. Partha Pratim Roy, learned counsel with Mr. Anirban Das, learned counsel appears for the petitioner.

Mr. Bibakananda Tripathy, learned State counsel appears for the respondents.

The mother of the petitioner was the original land owner. The land was acquired for public purpose in the year 1975. Possession was taken on March 19, 1975. Compensation has not been paid. Petitioner submitted representation dated **October 22, 2024**, **annexure P-4** at **page 30** to the writ petition, the same has not been considered.

In view of the above, the respondent No. 3 upon issuing a prior hearing notice of at least seven days to the petitioner and other interested parties, if

any, and after granting them an opportunity of hearing shall dispose of the representation dated **October 22, 2024** as referred to above, 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. The reasoned order 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 merits of the claim of the petitioner or other interested parties, if any, and they shall be at liberty to urge whatever points they wish to urge by relying upon whatever records and documents they wish to rely upon before the respondent No. 3 but the same shall not travel beyond the scope of the representation dated **October 22, 2024**.

In the event it is found that the petitioner and other interested parties, if any, are eligible to receive compensation, the appropriate authority of the State shall pay the same strictly in accordance with law by disbursing the amount with interest payable in accordance with law positively within a period of

three months from the date of the said reasoned order to be passed.

It is needless to mention that, if the record shows compensation has already been paid to the actual land losers, there shall be no question of making any further compensation to anybody.

It is made clear that, this order shall not create any right or equity in favour of the petitioner or in favour of other interested parties if any, if they do not succeed to their respective claims before the respondent No. 3 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 28259 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.)