

27
09.12.2024
Court No. 2
b.r.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 28868 of 2024

**Shakshi Gopal Ghosh & Ors.
Vs.
The State of West Bengal & Ors.**

**Mr. Sourav Sen,
Mr. Swapan Kumar Kar.
... for the petitioners**

**Mr. Chandi Charan De, Id. A.G.P.,
Mr. Anirban Sarkar.
... for the State**

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

Mr. Sourav Sen, learned Senior advocate appears for the petitioners.

The petitioners claim to be the land owners in respect of a land which was requisitioned and then utilized for public purpose without acquiring the same.

The petitioners submitted a representation dated **November 14, 2024 Annexure P-5 at page 42** to the writ petition, the same has not been considered.

Mr. Sourav Sen, learned counsel appearing for the petitioners submits that in respect of the adjacent lands under identical situation, the State has exercised the direct purchase policy and purchased those lands.

Mr. Chandi Charan De, learned Additional Government Pleader is representing the State.

After considering the submissions made on behalf of the parties and upon perusal of the materials on record, the respondent no. 7 is directed upon issuing notice to the petitioners to demarcate the utilized portion of the land in accordance with law.

It is needless to mention that the petitioners during such inspection may be accompanied with an Amin of their own choice.

After causing an enquiry, the respondent no. 7 shall demarcate the utilized land, if any, and submit a report to the petitioners and respondent no. 5.

This exercise shall be carried out and completed by the respondent no. 7 positively within a period of **four (4) weeks** from the date of communication of this order.

Upon receiving the report, the respondent no. 5 upon issuing a prior hearing notice of at least **seven days** to the petitioners shall dispose of the said representation of the petitioners dated **November 14, 2024 Annexure P-5 at page 42** to the writ petition, after granting them an opportunity of hearing and by passing a reasoned order in accordance with law.

The petitioners may be represented during through their duly authorized representative during the hearing.

It is made clear that, this Court has not gone into the merits of the claim of the petitioners 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. 5.

The entire exercise shall be carried out and completed by the respondent no. 5 positively within a period of **eight (8) weeks** from the date of receiving the report of the respondent no. 7.

In the event, the reasoned order goes in favour of the petitioners then the respondent no. 5 shall communicate the same to the respondent no. 7 within a period of **two (2) weeks** from the date of the said reasoned order to be passed.

The State adapt an exercise the **Direct Purchase Policy**.

The respondent no. 7 then shall arrange for the money and deposit the same before the respondent no. 4 positively within of period of **three months** from the date of the said reasoned order to be received from the respondent no. 5.

Then the respondent no. 4 shall conclude the proceeding strictly in accordance with law including the payment to be made to the petitioners positively within a period of **one (1) month** from the date of receipt of the fund from the respondent no. 7.

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 28868 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.)