

Court No. 2
18.11.2024
(Item No. 19)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 28735 of 2023

Kartik Chandra Mandal & Ors.
VS
The State of West Bengal & Ors.

Mr. Manisankar Chattopadhyay
.... For the petitioners
Mr. Ashim Kumar Ganguly
Mr. Tarak Karan
.... For the State

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

Mr. Manisankar Chattopadhyay, learned advocate appears for the petitioners.

Mr. Tarak Karan, learned State counsel appears for the respondents.

The petitioners complain of that the State authority without acquiring their land has utilized the same for public purpose. The petitioners submitted a representation dated **September 13, 2023, annexure P-3** at **page 24** to the writ petition but the same has not been disposed of.

On instruction learned State counsel submits that, a portion of the land which has been utilized by the State stands vested with the State. He has not been able to submit whether the proper compensation in accordance with law has been paid or not.

The jurisdictional Block Land and Land Reforms Officer (B.L. & L.R.O) upon issuing a prior notice to the petitioners shall physically inspect the portion of the land alleged to have been utilized by the State and if not demarcated already shall demarcate the same.

This exercise shall be carried out positively within a period of **four weeks** from the date of communication of this order by the jurisdictional B.L. & L.R.O. A copy of the report then shall be furnished before the petitioners and the jurisdictional Special Land Acquisition Officer positively within the said period of **four weeks**.

The plot in question as alleged by the petitioners land/Plot No. 128, Mouza - Simulberia, District – Purulia.

After receiving the report from the jurisdictional B.L.& L.R.O., the jurisdictional Special Land Acquisition Officer, Purulia upon issuing a prior hearing notice of at least seven days to the petitioners and after giving them an opportunity of hearing shall dispose of the said representation dated **September 13, 2023** at **page 24** to the writ petition by passing a reasoned order in accordance with law.

In the event the reasoned order confirms that, the above mentioned subject land is vested with the State then the petitioners shall be at liberty to

challenge the same before the jurisdictional authority in accordance with law.

The aforesaid exercise shall be carried out by the Special Land Acquisition Officer positively within a period of **six weeks** from the date of receiving the report from the B.L.& L.R.O and shall communicate the reasoned order to the petitioners positively within a further period of **one week** from the date of the said reasoned order to be passed by him.

In the event, the reasoned order confirms that the land has not been vested but utilized by the State then the appropriate State authority shall initiate all necessary and consequential steps for paying compensation to the petitioners strictly in accordance with law. In that case such necessary steps shall be taken and concluded in accordance with law positively within a period of **six months** from the date of the said reasoned order to be passed.

It is made clear that, at every stage before the jurisdictional B.L. & L.R.O. and before the Special Land Acquisition Officer the petitioners shall be at liberty to produce whatever documents and records they wish to produce.

It is made clear that, the petitioners shall be at liberty to attend the hearing before the Special Land Acquisition Officer through their duly authorized representative.

This Court has not gone into the merits of the claim of the petitioners or the State respondents and the same shall be decided strictly in accordance with law by the jurisdictional Special Land Acquisition Officer as indicated above.

This order shall also not create any right or equity in favour of the petitioners if they do not succeed to their respective claims before the jurisdictional Special Land Acquisition Officer 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 **W.P.A. 28735 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.)