

Court No. 2
06.9.2024
(Item No. 39)
(AB)

IN THE HIGH COURT AT CALCUTTA
Circuit Bench At Jalpaiguri
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 1856 of 2024

Subhashis Das
VS
The State of West Bengal & Ors.

Mr. Subinay Dey
Mr. Debanjan Das
..... for the petitioner
Mr. Momenur Rahman
Mr. Bikash Singha
.... For the State

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

The petitioner claims to be the owner of alleged
0.29 acres of land as more fully and particularly
described in **paragraph 2** to the writ petition. The
petitioner claims to be the successor-in-interest in
respect of the land. The petitioner submits that
arising out of a land acquisition case being No. **LAP**
0.5/08-09 the land of the predecessor-in-interest of
the petitioner was acquired and utilized. The specific
case of the petitioner is that, no compensation was
whatsoever paid either to the predecessor-in-interest
of the petitioner or to the petitioner. The petitioner
has submitted several representations since the year
2021. On the strength of alleged legal heir certificate
at **pages 19 and 20** to the writ petition obtained in

the year 2024. The petitioner claims alleged unpaid compensation on account of land acquisition.

Mr. Momenur rahman, learned counsel appearing for respondent Nos. 1 to 6.

The Railways was the requiring body and the State authority was the acquiring body.

Railways are not represented today, despite notice.

The law is trite that, when the land has been acquired, the land losers must receive the compensation in accordance with law.

After considering the submissions made on behalf of the parties and upon perusal of the materials on record, to sub-serve justice, the petitioner shall serve a copy of the writ petition along with a copy of today's order upon respondent No. 6 and respondent No. 9 forthwith.

The respondent No. 6 then upon issuing a prior hearing notice of at least **two weeks** upon the petitioner, respondent No. 9 and any other interested parties on the land and after giving them an opportunity of hearing shall decide the claim of the petitioner in the light of the case made out in the writ petition by passing a reasoned order in accordance with law.

The entire exercise as directed above shall be carried out and completed by the respondent No. 6

positively within a period of **Ten weeks** from the date of communication of this order. The reasoned order shall be communicated to the petitioner, respondent No. 9 and any other interested parties who shall be represented in the hearing positively within a further period of **three 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 writ petitioner and the petitioner and other interested parties, if any, 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. 6.

It is made clear that, this order shall not create any right or equity in favour of the petitioner or any other interested parties, if any, if they do not succeed to their respective claims to receive compensation strictly in accordance with law.

In the event, it appears from records that, the compensation in respect of the acquired land has already been paid to the predecessor-in-interest, then the respondent Nos. 6 and 9 shall be free to proceed against the petitioner including with criminal proceedings 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. 1856 of 2024** stands **disposed of**, without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously, on compliance of usual legal formalities.

(Aniruddha Roy, J.)