

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

25 10.09.2024
kc Ct. no.2

WPA 1867 OF 2024

REHANA BEGAM AND ORS.

Vs.

THE STATE OF WEST BENGAL AND ORS.

Mr. Nabankur Paul, Adv.
Ms. Sutapa Sen Paul, Adv.
Mr. Debarshi Dhar, Adv.
Mr. Rahul Agarwal, Adv.
Mr. Joy Agarwal, Adv.
Mr. Bodhisatya Ghosh, Adv.
....For the Petitioners

Mr. Hirak Barman, Adv.
Mr. Pretom Das, Adv.
....For the State

Drawing attention to an order of a Co-ordinate Bench dated **June 23, 2009** passed in **WP No. 13985 (W) of 2004 annexure – P-11** at page 54 to the writ petition, Mr. Nabankur Paul, learned advocate appearing for the petitioner, submits that the Co-ordinate Bench had observed as under:

“Hence the following order is passed:-

Respondent No.5 is directed to send the required proposal for acquisition of the plot in question for regularization of their occupation within two weeks from date of receipt of this order. On receipt of such proposal the Land Acquisition Collector, Jalpaiguri will start the land acquisition proceedings by publishing notification under Section 4(i) of the Land Acquisition Act, 1894 at the earliest. The

proceedings to be concluded within four months from the date of receipt of the proposal by declaration of award and making payment of compensation to the awardees. It is also directed that while publishing the notification under Section 4(i) the Collector will also invoke the urgency clause of Section 17(i) and 17(4) of the Act to regularize the occupation and to shorten the period of the proposed acquisition. The writ petition is disposed of as above.”

The State has carried out an appeal being **M.A.T 268 of 2013**. The Hon’ble Division Bench by its order dated **December 21, 2022, annexure P-12** at **page 58** to the writ petition, dismissed the appeal and the interim order stood vacated. The dismissal was on the ground of default.

Learned counsel appearing for the petitioners submits that thereafter no step was taken to give effect to the said direction of the Co-ordinate Bench.

Mr. Hirak Barman, learned State counsel, appears for the respondent nos. 1 to 10 submits a communication dated **August 28, 2024** issued by the Special Secretary to the Government of West Bengal, the same is taken on record. The said communication suggests that the State has agreed for the **Direct Purchase Policy** in respect of the subject land which is complained of to have been

utilized by the State without initiating any land acquisition process.

A copy of the record of right produced before this Court today is also taken on record.

In view of the above, the respondent no.5 and/or respondent no.7 and/or any other appropriate authority of the State shall take steps to give effect to the **Direct Purchase Policy** forthwith and to conclude the process by executing necessary instruments relating to such purchase and by paying the purchase price to the petitioners and/or any other interested parties on the land strictly in accordance with law positively within a period of **four months** from the date of communication of this order.

The direction is mandatory.

Since no affidavits are called for, the allegations made in this writ petition is deemed not to have been admitted by the respondents.

With the above observations and directions this writ petition **WPA 1867 of 2024** stands disposed of.

(Aniruddha Roy, J.)