

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

26 06.02.2025
Sc Ct. no.2

WPA 223 OF 2024

Nur Islam Mondal & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Md. Younush Mondal

.... For the Petitioners

Mr. Supratim Dhar

Mr. Amrita lal Chatterjee.

.... For the Respondent

Nos.1 to 3

Mr. Satyajit Talukder

Mr. Arindom Chatterjee.

.... For the Respondent

No.6

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

Md. Younush Mondal, learned Advocate appears for the petitioners.

Mr. Supratim Dhar, learned Senior Advocate appears for the respondent nos. 1 to 3.

Mr. Satyajit Talukder, learned Advocate appears for the respondent no.6.

The requiring bodies, respondent nos.4 and 5, are not represented.

This order shall be effected subject to payment of **16** numbers of individual **Court Fees**, since one has already been paid.

Referring to the notification dated **July 27, 2017** at **page 57** to the writ petition, the petitioner submits that, their lands are mentioned therein against the respective Dag numbers which were sought to be utilised by the State authority for public purpose, without any acquisition by exercising the **Direct Purchase** policy of the State.

The petitioners are agreeable to the said proposal of the State if the **Direct Purchase** policy is exerted upon against their lands. The petitioners have no objection in this regard.

In view of the above, the respondent no.3 upon issuing a prior hearing notice of at least **seven days** to the petitioners and after granting the petitioners an opportunity of hearing in presence of the respondent no.5 shall decide the issue by passing a reasoned order in accordance with law.

This exercise shall be carried out and completed by the respondent no.3 positively within a period of **six weeks** from the date of communication of this order and the petitioners shall collect the copies of the reasoned order from the office of the respondent no.3 immediately thereafter.

The respondent nos. 4 and 5 shall take all necessary and consequential steps in accordance with law to give an immediate effect to the said reasoned order so that, the reasoned order can be placed before the

Direct Purchase Committee headed by the jurisdictional District Magistrate.

All the necessary records shall be placed before the jurisdictional District Magistrate by the respondent nos. 3 to 5 positively within a period of ***four weeks*** from the date of the reasoned order to be passed by the respondent no.3.

The jurisdictional District Magistrate then shall take all necessary and consequential steps including payment of money to be payable to the petitioners in accordance with law within a period of ***eight months*** from the date of receiving the records from the respondent nos. 3 to 5.

It is made clear that, this Court has not gone into the merits of the claim of the petitioners and the petitioners shall be at liberty to produce whatever records and documents they wish to produce before the respondent no.3 and then before the jurisdictional District Magistrate in support of their claims.

Inasmuch as, whenever any assistance shall be required by any authority at any stage from the petitioner, they shall provide all such assistance to such authorities immediately.

It is made clear that, this order shall not create any right or equity in favour of the petitioners if they are not eligible to receive their claims strictly in accordance with law.

Since affidavits are not called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions, this writ petition, **WPA 223 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.)