

12.02.2025
Item No. 32
Crt.No.02
Moumita

WPA 1872 of 2025

Sahajahan Dewan & Anr.
-vs-
The State of West Bengal & Ors.

Mr. Amit Kr. Pan
Mrs. Tanusri Santra
.... For the petitioners.

Mr. Ayan Banerjee
Ms. Dipannita Laha
Mr. Suman Banerjee
.....For the State-respondents

Mr. Satyajit Talukdar
Mr. Arindam Chatterjee
.....For KMDA/Respondent no. 5

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

Ms. Tanuri Santra, Learned advocate led by Mr. Amit Kr. Pan, learned Advocate appears for the petitioners.

Mr. Satyajit Talukdar, learned Advocate appears for the State respondent no. 5.

Mr. Suman Banerjee, learned Advocate led by Mr. Ayan Banerjee, learned Advocate appears for the respondent nos. 1 to 4.

The petitioners submit that they are the absolute owner of RS plot no. 676 out of which **0.04 acres** has been acquired by the state for public purpose. Though it is mandatory under the

law on the part of the appropriate state authority to demarcate the acquired portion of land, so that the same can be segregated clearly from the unacquired portion of land, the state authority has filed to discharge there statutory duty. The petitioners claim demarcation of the acquired portion of land. Petitioners submitted a representation dated **November 13, 2024 Annexure p-3 at page 39** to the writ petition but the same has not been disposed of.

After considering the submissions made on behalf of the parties and upon perusal the materials on records and the respondent no. 2 is directed upon prior notice to the petitioners and the respondent no. 5 to cause a physical inspection of the land and to demarcate the acquired portion in accordance with law, if not demarcated already.

This exercise shall be carried out and completed by the respondent no. 2 positively within a period of **four weeks** from the date of the communication of this order.

After demarcation, a report shall have to be prepared by the respondent no. 2 with a details sketch map of demarcation, if not demarcated already. Such report shall be furnished with the sketch map, if any to the petitioners positively

within a period of **two weeks** from the date of physical inspection of the site.

The collector then dispose of the said representation dated **November 13, 2024 Annexure p-3 at page 39** to the writ petition in the light of the exercise that shall be carried out by the collector, as directed above and in the light of the report to be prepared by him. The decision with reason shall be communicated to the petitioner by the respondent no. 2 positively within a period of **six weeks** from the date of physical inspection of the site.

It is made clear that this order shall not create any right or equity in favour of the petitioners in the event it is found that the acquired land has already been demarcated and lying as such.

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 1872 of 2025** stands **disposed of**, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)