

44 12.2.2025
Sc Ct. no.2

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

WPA 2015 OF 2025

Kakali Biswas & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Debasis Sur
Mr. Swapan Kar.

.... For the Petitioners

Mr. Soumitra Bandyopadhyay
Mr. Srinath Singha Roy.

.... For the Respondents
State

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

Mr. Debasis Sur, learned Advocate appears for the petitioners.

Mr. Soumitra Bandyopadhyay, learned Senior State Advocate with Mr. Srinath Singha Roy, learned State Advocate appears for the respondents State.

Subject to payment of **Court Fees** by twenty-seven individual writ petitioners since one has already been paid, this order shall be effected.

The petitioners claim that though their lands have been acquired under **L.A. II/18 of 1967-68** but no compensation has been paid. The petitioners submitted their representation dated **November 5, 2024, Annexure-P10 at page 74** to the writ petition.

In view of the above, the respondent no.4 upon issuing a prior hearing notice of at least **two weeks** to the petitioners and all other interested parties, if any, and after granting them an opportunity of hearing shall decide the representation dated **November 5, 2024, Annexure-P10 at page 74** to 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.4 positively within **fifteen weeks** from the date of communication of this order. The reasoned order then shall be communicated to the petitioners or other interested parties, if any, within a further period of **four weeks** from the date of the said reasoned order to be passed.

The petitioners shall be entitled to participate in the hearing through their duly authorized representative(s). In the event the petitioners participate in the hearing through their authorized representative(s) then all further communications shall also be made to the said authorized representative(s) as the case may be which shall bind the petitioners as well.

After verification of land records if it appears that the actual land losers at the relevant point of time have already been paid compensation or the predecessors-in-interest of the petitioners or other interested parties, if any, have already been paid compensation, then there

shall be no question of further payment of compensation to the petitioners or to such of such petitioners whose predecessors-in-interest have already been paid.

Since acquisition was initiated in **1967-68** and was concluded also long back, the respondent no.4 upon verification of all the relevant records must satisfy itself as to the claim of the petitioners or other interested parties, if any, in accordance with law.

It is made clear that, this order shall not create any right or equity in favour of the petitioners or any other interested parties, if any, on the subject land if they do not succeed to their respective claim before the respondent no.4 strictly in accordance with law.

It is also made clear that, this Court has not gone into the merits of the claim of petitioners and other interested parties, if any, and they shall be at liberty to urge whatever points they wish to urge by relying upon whatever records and documents they wish to reply upon before the respondent no.4.

Considering this is an age old acquisition proceeding, if any document, record or assistance is sought for by the respondent no.4 from the petitioners or other interested parties, if any, they shall be bound to provide the same to the respondent no.4, failing which the respondent no.4 shall draw an adverse presumption against those defaulting parties.

In the event the respondent no.4 upon verification of record finds that any of the petitioners or interested parties, if any, has played any fraud or unlawful act in lodging their claims, the respondent no.4 shall be at liberty to proceed in accordance with law by initiating appropriate criminal proceeding against such delinquents.

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 2015 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.)