

10.03.2025
Ct. No. 2
Sl. No. 34
tbsr

WPA 4913 of 2025

Rabindra Nath Majumdar & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Partha Sarathi Mondal
....for the petitioner

Mr. Ayan Banerjee
Mr. Amrita Lal Chatterjee
....for the State

Affidavit of service filed in court today is taken on record.

Mr. Partha Sarathi Mondal, learned counsel appears for the petitioners.

Mr. Amrita Lal Chatterjee, learned State advocate led by Mr. Ayan Banerjee, learned State counsel appears for the respondents.

The petitioners claimed to be the legal heirs of one Bhupendra Nath Mitra since deceased. The land of the deceased was acquired for public purpose under **Land Acquisition Case being LA Case No. 3 of 1964-65**. The petitioners claimed that the compensation has not yet been paid either to the deceased during his lifetime or to his legal heirs till now. The petitioner no. 2 has submitted the representation on **February 15, 2025 Annexure P3 at page 16** to the writ petition before the

respondent no. 4 and the same has not yet been decided.

In view of the above, the respondent no. 4 upon issuing a prior hearing notice at least **seven days** to the petitioners and after affording them an opportunity of hearing shall decide the representation dated **February 15, 2025 Annexure P3 at page 16** to the writ petition by passing a reasoned order in accordance with law.

It is needless to mention that the petitioners may participate in the hearing through their duly authorized representatives.

The entire exercise shall be carried out and completed by the **respondent no. 4** positively within a period of **six weeks** from the date of communication of this order and the reasoned order shall be communicated to the petitioners and also to their authorized representatives positively with a further period of **two weeks** from the date of said reasoned order to be passed.

While deciding the issue and passing its reasoned order, the respondent no. 4 shall refer to and disclose all the relevant materials to show when and how the compensation has been determined and if paid, to whom and if not paid the reason for same.

It is made clear that this court has not gone into merits of the claim of the petitioners and the petitioners shall be at liberty to urge whatever points they wish to

urge relying upon whatever records and documents they wish to rely upon before the **respondent no. 4** but the same shall not travel beyond the scope of the said representation dated **February 15, 2025**, as referred to above.

In the event it is found that the petitioners are eligible to receive the compensation then upon compliance of all the necessary formalities, the compensation shall be disbursed and paid to the petitioners by the respondent no. 4 and/or any other appropriate State authority in accordance with law positively within a further period of **four weeks** from the said reasoned order to be passed.

It is made clear that this order shall not create any right or equity in favour of the petitioners if they do not succeed to their respective claims strictly accordance with law before the **respondent no. 4**.

In the event it is found that the payment of compensation is long pending payable to the petitioners then the respondent no. 5 and/or appropriate State Authority shall pay the same to the petitioners along with interest at the rate of 5 per cent per annum from the date of taking over possession of the land till the date of actual tendering of compensation to the petitioners.

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

The time frame directed above is stands mandatory.

With the above observations and directions, this writ petition, **WPA 4913 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.)