

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

11.03.2025
Ct. no.2
Sl. 33
Moumita

WPA 5178 of 2025

Shyamal Samadder

Vs.

The State of West Bengal & Ors.

Mr. Somnath Adhikary

Mr. Biswajit Sarkar

.... For the Petitioner

Mr. Supratim Dhar, Ld. Sr. Adv.

Ms. Tuli Sinha

.... For the State-respondent

Mr. Manoranjan Mahato

....for the Respondent no. 7

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

Mr. Somnath Adhikary, learned advocate appears for the petitioner.

Ms. Tuli Sinha, learned Advocate led by Mr. Supratim Dhar, learned Senior Advocate appears for the State-respondent.

Mr. Manoranjan Mahato, learned Advocate appears for the respondent no. 7.

The petitioner submits that the land in question more fully mentioned in **paragraph 3** to the writ petition has been utilized by the respondent no. 6 without acquiring the same but for public purpose. There has

been no acquisition proceeding initiated ever. The petitioner claims compensation. The petitioner submitted its representation dated **January 30, 2025 annexure p-8 at page 55** *inter alia*, before the respondent no. 6. The same has not yet been considered.

In view of the above, the respondent no. 6 upon issuing a prior hearing notice of **at least seven days** to the petitioner and the jurisdictional **B.L. & L.R.O.** and after granting them an opportunity of hearing shall dispose of the said representation dated **January 30, 2025 annexure p-8 at page 55** to the writ petition by passing a reasoned order in accordance with law.

The entire exercise shall be carried out and completed by the respondent no. 6 positively within a period of **six weeks** from the date of communication of this order and the reasoned order shall be communicated to the petitioner and the jurisdictional **B.L. & L.R.O.** positively within a period of further **two weeks** from the date of the said reasoned order to be passed.

The jurisdictional **B.L. & L.R.O.** shall produce all the relevant land records before the respondent no.6 during the hearing.

In the event the reasoned order confirms that no acquisition proceeding was initiated but the land has been utilized then the respondent no. 6 and/or any

other appropriate state authority shall adapt the ***Direct Purchase Policy*** in accordance with law.

In such event the District Purchase Committee shall immediately take up the cause and initiate the necessary proceeding positively within a period of ***four weeks*** from the date of communication of the said reasoned order to the said District Purchase Committee and the jurisdictional District Magistrate then shall conclude the entire process including the payment of money to the petitioner payable to him strictly in accordance with law positively within a period of ***eight months*** from the date of communication of the said reasoned order to the District Purchase Committee and the jurisdictional District Magistrate.

It is made clear that this Court has not gone into the merits of the claim of the petitioner and the petitioners shall also produce all its relevant land records showing his title over the subject land mentioned in ***paragraph 3*** to the writ petition before the respondent no. 6.

This order shall not create any right or equity in favour of the petitioner, if the petitioner does not succeed to his claim strictly in accordance with law before the respondent no.6.

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 5178 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.)