

S/L 7
11.04.2025
Court. No. 19
Swayan

WPA 5546 of 2025

**Surath Chandra Das & Ors.
Vs.
The State of West Bengal & Ors.**

*Mr. Sabyasachi Mondal
Mr. A. S. Fazlul Karim
Mr. Soumen Pradhan
Mrs. Puja Naskar
Ms. Payel Khanra*

...for the petitioners.

Mr. Chandi Charan De, AGP

...for the State.

1. The affidavit-of-service as filed today is taken on record.
2. Liberty is given to the learned Advocate for the writ petitioners to add Special Land Acquisition Officer, Alipore, South 24 Parganas as party respondent no. 16 positively in course of this day in Court.
3. In course of hearing Mr. Mondal, learned Advocate appearing on behalf of the writ petitioners at the very outset draws attention of this Court to page nos. 34 to 37 of the writ petition being a copy of the letter dated 28.12.2023 as written by the learned Advocate for the writ petitioners addressed to the respondents/authorities wherein the respondents/authorities have been requested to take appropriate steps regarding the alleged encroachment of land of the writ petitioners while construction of a 'pakka' road from Batra to Mahismari under Joynagar P.S., District – South 24 Parganas. Mr. Mondal in course of his submission next draws attention of this

Court to page no. 51 of the instant writ petition being a copy of the letter dated 19.01.2024 as written by the respondent no. 10/authority being the Executive Engineer of the requiring body under cover which it has been intimated to the learned Advocate for the writ petitioners that with regard to the allegation as made on behalf of the writ petitioners an investigation is under process.

4. It is submitted by Mondal that the respondents/authorities are duty bound to acquire the land of the writ petitioners prior to initiation of the work of construction of the road as aforementioned and the writ petitioners are also entitled to adequate award under the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as the 'said Act of 2013' in short). It is thus submitted by Mr. Mondal that appropriate relief/reliefs may be granted in terms of the prayers made in the writ petitioners.
5. In course of his submission Mr. De, learned AGP appearing on behalf of the respondents/State in his usual fairness submits before this Court that the added respondent no. 16 is the competent authority to take care of the grievance of the writ petitioners and thus an appropriate order may be passed directing the respondent no. 16 to consider the representation of the writ petitioners in accordance with law.

6. On careful consideration of the entire materials as placed before this Court and after hearing the learned Advocates for the contending parties this Court while disposing the instant writ petition directs the added respondent no. 16 to cause an enquiry by the jurisdictional BL&LRO securing the presence of the writ petitioners and their authorized representatives and the respondent no. 10 and after obtaining a report from the jurisdictional BL&LRO shall fix a date of hearing.
7. The added respondent no. 16 is further directed to consider the representation of the writ petitioners after giving a chance of hearing either to the writ petitioners or his/her authorized representative as well as to the respondent no. 10 and shall thereafter pass a reasoned order and shall communicate the said reasoned order to the writ petitioners and the respondent no. 10 forthwith preferably by mail if the mail details of the writ petitioners and the respondent no. 10 are provided to him at the time of hearing.
8. The entire exercise as indicated in the foregoing paragraphs is to be completed within 120 working days from the date of receipt of a copy of the instant writ petition with all annexures including the server copy of this order.
9. The time limit as fixed by this Court is mandatory and peremptory.
10. The respondents/authorities more specifically the added respondent no. 16 and the jurisdictional

BL&LRO and the respondent no. 10 are directed to act on the server copies of this order.

11. It is further directed that in the event the added respondent no. 16 while passing the reasoned order finds that the grievance as made by the writ petitioners in the writ petition is genuine he shall thereafter take appropriate steps for acquisition of the alleged encroach land of the writ petitioners and shall also take appropriate steps for disbursement of the adequate compensation as per the law prevailing at the relevant time.
12. With the aforementioned observation, the instant writ petition being WPA 5546 of 2025 is disposed of.
13. Urgent Xerox certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Partha Sarathi Sen, J.)