

S/L 9
14.07.2025
Court. No. 19
Suwayan

WPA 6819 of 2025

**Prakash Dolui & Ors.
Vs.
The State of West Bengal & Ors.**

*Ms. Pinki Saha
Mr. Dilip Maiti*

...for the petitioners.

*Mr. Ashim Kr. Ganguly
Mr. Tarak Karan*

...for the State.

1. On behalf of the respondents/State a report dated 29.04.2025 as prepared by the respondent no. 3/authority is filed which is taken on record.
2. The writ petitioners and the respondents/State and its functionaries are represented by their respective Counsels.
3. At the time of hearing, learned Advocate for the writ petitioners at the very outset draws attention of this Court to page no. 33 of the instant writ petition being a copy of the memo dated 10.09.2024 as issued by the respondent no. 3/authority wherefrom it reveals that Plot no. 3041 in Mouza – Basudebpur was under acquisition vide LA Case no. 4/80-81. It has also been communicated to the writ petitioners by the respondent no. 3/authority that after completion of acquisition process possession of land was delivered to the requiring body, however, the award of compensation for the plot was not declared and payment was not made. It is thus submitted on behalf of the writ petitioners that in view of such the respondents/authorities may be directed to grant

compensation in terms of the provisions of Act XXX of 2013.

4. Such prayer is opposed on behalf of the respondents/State.

5. On careful perusal of the entire materials as placed before this Court including the report of the respondent no. 4/authority as filed today the following reveals:

- (i) In respect of suit plot a notification under Section 4 under Act I of 1894 was published in the Calcutta Gazette on 26.10.1979.
- (ii) Declaration under Section 6 of the Act I of 1894 was published in the Calcutta Gazette on 07.12.1979.
- (iii) Subsequently, the award was declared by the Collector, Midnapore on 02.04.1981.
- (iv) In the said LA case the compensation amount was assessed as payable to the writ petitioners in respect of Plot no. 3041 in Mouza – Basudebpur.
- (v) On account of an injunction order as passed by this Court on 11.04.1981 disbursement of compensation in respect of the award dated 02.04.1981 was withheld.
- (vi) On 20.03.1984 a fresh award was issued without reference to the earlier award on account of vacating of the injunction order.

(vii) In the said award dated 20.03.1984 the Plot no. 3041 in Mouza – Basudebpur was not included.

6. on the basis of the chronology of events as mentioned supra and as has been found from the report from the respondent no. 4/authority it reveals that the writ petitioners' land was acquired long back under the provisions of Act I of 1894 and sufficient materials have been placed before this Court as on this day no award has been declared and no compensation has been disbursed.
7. In view of such, this Court has got no hesitation to hold that with the enactment of Act XXX of 2013 and on account of repealing of Act I of 1894 the entire acquisition process has been lapsed. In view of such, there is hardly any scope to pass any award and disburse compensation under Act I of 1894.
8. In view of such, the only remedy available to the respondents/State and its functionaries to purchase the aforementioned land of the writ petitioners under Direct Purchase Policy Scheme in absence of any Rule in the State of West Bengal under the Act XXX of 2013.
9. In view of such, while disposing the instant writ petition, this Court directs the District Magistrate and Collector, District – Purba Midnapore to initiate a Direct Purchase Policy proceeding in respect of the Plot no. 3041 in Mouza – Basudebpur and disburse the adequate amount of consideration money in terms of the present market value in favour of the writ

petitioners positively within 180 working days from the date of communication of the server copy of this order.

10. Liberty is given to the learned Advocate for the writ petitioner to communicate the server copy of this order to the District Magistrate and Collector, District – Purba Midnapore.
11. The District Magistrate and Collector, District – Purba Midnapore is hereby directed to act on the basis of the server copy of this order.
12. The time limit as fixed by this Court is mandatory and peremptory.
13. With the aforementioned observation, the instant writ petition being WPA 6819 of 2025 is disposed of.
14. 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.)