

Item No.12
13.05.2025
Court. No. 19
GB

W.P.A. 7317 of 2024

Tapas Kumar Halder & Ors.
Vs.
The State of West Bengal & Ors.

*Mr. Uday Sankar Bhattacharya,
Ms. Sudeshna Basu Thakur,
Ms. Banani Bhattacharya,
Ms. Upasana Das*

...for the Petitioners.

*Mr. Soumitra Bandyapadhyay,
Ms. Suchana Banerjee*

...for the State.

1. The affidavit-of-service as filed today is taken on record.
2. By filing the instant writ petition the writ petitioners have prayed for issuance of appropriate writ/writs as against the respondent nos.2 and 3 authorities for taking steps for disbursement of adequate compensation to the writ petitioners on account of illegal acquisition of the land of the writ petitioners.
3. In course of hearing, learned advocate appearing on behalf of the writ petitioners at the very outset draws attention of this Court to page no.42 of the instant writ petition being a copy of the memo dated 08.02.2021 as issued by the SPIO and Assistant Land Acquisition Officer, South 24 Parganas, addressed to the petitioner no.1 wherefrom it reveals that R.S. Plot No.608 in Mouza – Birshra, J.L. No.01, P.S. Diamond Harbour was not involved in any L.A. case.
4. In his next fold of submission, learned advocate appearing on behalf of the writ petitioners draws

attention to page nos.46, 47 and 51 of the instant writ petitioner. It is submitted that on conjoint perusal of the said three pages it would reveal that the respondent no.3 authority has constructed a building encroaching a portion of the aforementioned plot of land belonging to the writ petitioners without initiating due process of acquisition and without disbursing adequate compensation to the writ petitioners.

5. It is submitted further that the writ petitioners under cover of their letter dated 16.01.2024 brought to the notice of the respondent authorities regarding such illegal encroachment at the instance of the respondent no.3 but of no effect.
6. This Court on perusal of the entire materials as placed before this Court and after hearing the learned advocates for the contending parties and while disposing the instant writ petition directs the Block Land and Land Reforms Officer, Diamond Harbour – II, South 24 Parganans to make a field enquiry in terms of the allegation as made by the petitioners under cover of their letter dated 16.01.2024 after service of prior notice upon the writ petitioners and/or their authorized representative, the respondent no.3 and/or his authorized representative as well as upon the respondent no.9 and/or her authorized representative. The said Block Land and Land Reforms Officer, Diamond Harbour –II, South

24 Parganans after conclusion of such field enquiry shall submit its report to the respondent no.3.

7. The entire exercise as indicated hereinabove is to be completed by the Block Land and Land Reforms Officer, Diamond Harbour –II, South 24 Parganans within 45 working days from the date of communication of this order.
8. The said Block Land and Land Reforms Officer, Diamond Harbour –II, South 24 Parganans is further directed to communicate a copy of his enquiry report to the writ petitioners forthwith preferably by email, if the mail details of the writ petitioners are provided to him at the time of field verification/enquiry.
9. It is further directed that in the event the respondent no.3 finds sufficient merit in the representation of the writ petitioners as has been served upon him under cover of the letter dated 16.01.2024, he shall take appropriate steps in accordance with law in terms of the said report of the jurisdictional Block Land and Land Reforms Officer and shall pass a reasoned order after giving a chance of hearing to the writ petitioners as well as to the respondent no.9 and/or their authorized representatives and shall forthwith communicate the same also to the writ petitioners as well as to the private respondent no.9 in the same manner as indicated in the foregoing paragraph.
10. Before parting with, it is further mentioned that in the event the respondent no.3 finds that he has made any

encroachment over the properties of the writ petitioners without initiating any due process of acquisition and disbursement of compensation, he shall forthwith take up the matter with the respondent no.6 for doing its needful.

11. The entire exercise is to be completed by the respondent no.3 within 45 days from the date of receipt of the report of the Block Land and Land Reforms Officer, Diamond Harbour –II, South 24 Parganans.
12. The time limit as fixed by this Court is mandatory and peremptory.
13. Liberty is given to the learned advocate for the writ petitioners to communicate the server copies of this order to the respondent no.3 as well as to the Block Land and Land Reforms Officer, Diamond Harbour – II, South 24 Parganans along with a copy of the representation dated 16.01.2024. The respondent no.3 and the Block Land and Land Reforms Officer, Diamond Harbour –II, South 24 Parganans is directed to act on the server copies of this order.
14. With the aforementioned observations, the instant writ petition being WPA 7317 of 2024 is disposed of.
15. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Partha Sarathi Sen, J.)