

D/L 15
06.08.2025
Court. No. 19
pp

WPA 6991 of 2025

**Nibaran Mondal & Ors.
Vs.
State of West Bengal & Ors.**

Mr. Sandip Ray

...for the petitioners.

Ms. Sumita Sen

...for the State Respondents

1. At the very outset, Mr. Ray, learned advocate appearing on behalf of the petitioners submits before this Court that he will pay requisite court fees in connection with the instant writ petition for 21 more writ petitioners.
2. By filing the instant writ petition, the writ petitioners have prayed for issuance of appropriate writ or writs against the respondent authorities, more specifically against the respondent no.3/authority commanding him to initiate acquisition proceeding and to disburse compensation in terms of the provisions of Act XXX of 2013.
3. In course of submission, Mr. Ray at the very outset draws attention of this Court to paragraph no.2 of the instant writ petition. It is submitted by Mr. Ray that it is the specific case of the writ petitioners that the writ petitioners are the owners of the plots of land, particulars of which have been mentioned in the said paragraph 2 of the instant writ petition. It is further submitted by Mr. Ray that it is the specific case of the writ petitioners that the said land(s) were requisitioned and taken possession thereof for the purpose of

construction of a road from Sajua to Maheshtala. However, no compensation has been disbursed in favour of the writ petitioners.

4. At this juncture, Mr. Ray took me to page nos.31 and 32 of the instant writ petition. It is submitted by Mr. Ray that in an identical case pursuant to the order dated 04.11.2024 as passed in WPA 27178 of 2022 (Ashim Kumar Mondal & Ors. vs. The State of West Bengal & Ors.) by a coordinate Bench of this Court the respondent no.3/authority had come to a finding that the proceeding for acquisition as involved in the said writ petition stood lapsed on account of non-publication of notice under Section 4(1a) of Act II of 1948 in gazette. It is thus submitted by Mr. Ray that since the writ petitioner are standing on the same footing with the said writ petitioner (Asim Mondal & Ors), appropriate relief/reliefs may be granted to the writ petitioners commanding the respondent no.3/authority to initiate a fresh proceeding for acquisition under the provisions of Act XXX of 2013 and to disburse compensation under the self-same Act.
5. Such contention is, however, opposed by Ms. Sen learned advocate appearing on behalf of the respondents/State. It is, however, submitted by Ms. Sen that the respondent no.3/authority may be directed to consider the representation of the writ petitioner 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 respondent no.3/authority to consider the representations dated 06.01.2025 as submitted by the writ petitioners in accordance with law and after giving an opportunity of hearing to the writ petitioners and/or their authorized representatives shall pass a reasoned order and shall forthwith communicate the same to the writ petitioners preferably by e-mail if the e-mail details of the writ petitioners are provided to him at the time of hearing.

7. The entire exercise as indicated in the foregoing paragraph is to be completed by the respondent no. 3/authority within 120 working days from the date of communication of a server copy of this order.
8. Liberty is given to the learned Advocate-on-Record for the writ petitioners to communicate the server copy of this order both to the respondent nos. 3/authority.
9. The respondent no.3/authority is hereby directed to act on the server copy of this order.
10. Before parting with, it is, however, made clear that since no affidavits have been called for, the allegations as made in the instant writ petition are deemed to have been denied.
11. With the aforementioned observation, the instant writ petition being WPA 6991 of 2025 is disposed of.
12. In the event the court fee is not paid as undertaken by Mr. Ray in open Court, department is hereby directed

to place the matter before this Court for passing appropriate order.

13. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)