

**10 & 11
22.01.2025
Ct. No. 11
rrc**

**MAT 625 of 2023
with
IA No. CAN 2 of 2023
(The Sub-Divisional Officer, Gosaba Irrigation
Sub-Division & Ors. Vs. Swapan Kumar
Bera & Ors.)**

a n d

**MAT 626 of 2023
with
IA No. CAN 2 of 2023
(The Sub-Divisional Officer, Gosaba Irrigation
Sub-Division & Ors. Vs. Tapan Bera & Ors.)**

**Mr. Sirsanya Bandyopadhyay, Ld. Sr. Stng.
Counsel
Ms. Tapati Samanta
Mr. Arindam Ghosh**

.... For the appellants

**Dr. Debabrata Karan
Mr. Debopriyo Karan**

**..... For the writ petitioners/
respondents**

For having thematic unity, both appeals, which stem from a common order, are taken up for analogous hearing.

Both appeals have been preferred challenging the justifiability of the order dated 28th September 2022, passed by the learned Single Bench in WPA 7416 of 2022 and WPA 7415 of 2022, respectively. By this order, the learned Single Bench directed the appellants to initiate land acquisition proceedings in accordance with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation, and Resettlement Act, 2013 (hereinafter referred to as the Act of 2013), within a specified time frame.

Mr. Bandyopadhyay, learned senior standing counsel representing the State, submits that a Direct Purchase Policy has been introduced by the State. Accordingly, he contends that a window should be kept open to allow the State to engage in negotiations with the landowners, the writ petitioners/respondents, and bring the proceedings to a logical conclusion in accordance with the said policy.

He further submits that the learned Single Bench, without taking into account the fact that such a policy has been introduced in the State, erred in not leaving the window open for the State to act accordingly. Citing an unreported decision rendered by a coordinate Bench in MAT 1492 of 2003, he argues that the coordinate Bench, while dealing with a similar issue in the appeal MAT 1492 of 2023 on 17th January 2024, granted liberty to the State to purchase land under the Direct Purchase Policy. He also submits a calculation sheet comparing the amount offered by the State under the Direct Purchase Policy with the proposed award under the Act of 2013. Let the copy of the judgment and the calculation sheet, as provided by Mr. Bandyopadhyay, be kept on record.

Dr. Karan, learned advocate representing the writ petitioners/respondents, vehemently opposes the prayer and argues that the policy lacks legal sanctity. He submits that the calculation sheet produced by the State indicates that if the writ petitioners/respondents accept the State's proposal, they will incur a financial loss. He contends that, as the proposal is not financially viable for the writ petitioners/respondents, they are not inclined to accept it.

Heard the learned advocates appearing for the respective parties. Perused the materials on record.

Admittedly, the land belonging to the writ petitioners/respondents has been utilized by the State, but no compensation proceedings have been initiated, nor has any compensation been paid. As a result, the writ petitioners were compelled to approach this Court with two separate writ petitions, which were disposed of by the order now under challenge in these two appeals.

A letter dated 10th February 2015, written by the Sub-Divisional Officer, Gosaba Irrigation Sub-Division, South 24 Parganas, addressed to the concerned Executive Engineer, indicates that a proposal was forwarded for initiating land acquisition proceedings concerning the land in question *vide* a memo. dated 10.02.2015 issued by the Sub-Divisional Officer, Gosaba.

Indisputably, nothing has been presented before us to show that the policy has statutory force or has been incorporated into the Act of 2013 through an amendment following the due procedure. Furthermore, since the writ petitioners/respondents, the landowners, did not agree to the proposal, we cannot compel them to accept the proposal suggested by Mr. Bandyopadhyay, nor can we leave a window open for the State to negotiate with the writ petitioners/respondents under the direct purchase policy. In light of this, we are of the opinion that the impugned order does not suffer from any perversity or infirmity, and therefore, there is no ground for us to interfere with it.

In view thereof, both the appeals and the connected applications are dismissed.

There shall, however, be no order as to costs.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)