

8 05.3.2025
AB Ct. no.2

WPA 12154 OF 2024

Gopal Chandra Mukherjee & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Subhas Chandra Atha
Ms. Payel Paramanik
... For the Petitioners
Mr. Ayan Banerjee
Mr. Amrita Lal Chatterjee
... for the State

Mr. Subhas Chandra Atha, learned counsel appears
for the petitioners.

Mr. Amrita Lal Chatterjee, learned advocate
appears for the State respondents.

The sole grievance of the petitioners is that the
representation of the petitioners dated **February 14, 2023**
made before the jurisdictional District Magistrate,
annexure P-5 at **page 23** to the writ petition has not been
considered.

Learned advocate for the petitioners refers to a
document dated **January 4, 2023, annexure P-4** at **page**
22 to the writ petition wherefrom it appears that the
subject lands were acquired and compensation have also
been paid, however, the petitioners are not aware of as to
who have received the compensation or when it was paid
and what was the quantum.

Be that as it may, considering the submissions of
the parties and upon perusal of the materials on record the
petitioners shall be at liberty to file a composite

representation before the respondent no. 4 positively within a period of **two weeks** from date. The petitioners shall also submit a copy of this writ petition along with a copy of today's order with the said composite representation before the respondent no. 4.

The respondent no. 4 then upon issuing a prior hearing notice to the petitioners and other interested parties, if any, on the land and then after giving them an opportunity of hearing shall dispose of the said representation to be submitted by the petitioners in accordance with law with a reasoned order.

The entire exercise, as directed herein, shall be carried out and completed by the respondent no.4 positively within a period of **eight weeks** from the date of communication of this order and/or the date of receiving the representation from the petitioners. The reasoned order then shall be communicated to the petitioners and the other interested parties, if any, positively within a further period of **two weeks** from the date of the said reasoned order to be passed by the respondent no.4.

In the event, the reasoned order goes in favour of the petitioners and other interested parties, if any, then the appropriate State authorities shall take all necessary and consequential steps to give an immediate effect to the said reasoned order in accordance with law but positively

within a period of **eight months** from the date of the said reasoned order to be passed.

It is made clear that, this Court has not gone into the merits of the claim of the petitioners and the other interested parties, if any, and they shall be at liberty to urge whatever points they wish to urge by relying upon whatever records and documents they wish to rely upon before the respondent no.4 but the same shall not travel beyond the scope of the case made out in this writ petition.

It is made clear that, this order shall not create any right or equity in favour of the petitioners or in favour of the other interested parties, if any, if they do not succeed to their respective claims before the respondent no.4 strictly in accordance with law.

In the event, it is found from the records that the compensation has already been paid to the land losers at the relevant point of time, then there shall be no question of making any further payment to the petitioners and any other interested parties.

In the event, it is found that the petitioners in lodging their claim have adopted any fraudulent practice, then the respondent no. 4 shall immediately initiate necessary criminal proceeding against them in accordance with law.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions this writ petition, **WPA 12154 of 2024** stands **disposed of**, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)