

Item No.26
10.07.2025
Court. No. 19
GB

W.P.A. 14187 of 2025

Sri Swapan Bag
Vs.
The State of West Bengal & Ors.

Mr. Suddhadev Adak,
Ms. Richa Pramanik

...for the Petitioner.

Mr. Soumitra Bandyopadhyay, Sr. Govt. Adv.,
Mr. Priyabrata Batabyal

...for the State.

1. The affidavit-of-service as filed today on behalf of the writ petitioner is taken on record.
2. At the time of hearing, Mr. Adak, learned advocate appearing on behalf of the writ petitioner at the very outset draws attention of this Court to the order dated 30.05.2018 as passed by the respondent no.2 authority in connection with a proceeding in compliance of the order dated 10.05.2018 passed in WP No.14714 (W) of 2017.
3. For effective adjudication of the instant lis, the relevant portion of the said order dated 30.05.2018 is quoted hereinbelow in verbatim:-

“Sri Swapan Bag, the petitioner herein, being owner of 0.33 acre of land out of LR Plot No 377 corresponding to part of RS Plot No.345 of Dhanyagori Muza, wants his land be compensated as same has been utilized by the R/B in the Short Cut Channel Project. But, in absence of any state rule in the existing Right to Fair Compensation and transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, there remains no

scope, presently, to acquire the utilized area and make payment of compensation to the land owners including the present applicant.

In this juncture, it is hereby propoed that Requiring Body i.e. Executive Engineer, Lower Damodar Construction Division, Uluberia, Howrah, may take initiative to compensate the land owners including the present applicant by way of making direct purchase of the land on the basis of Circular issued by Land & Land Reforms Department, Govt. of West Bengal, being No.756-LP/1A-03/14(Pt-II) dated 25.02.2016. Guideline laid down in the said Circular reads as “The Administrative Department(s) will take concurrence of the Standing Committee on Industry, Infrastructure & Employment before going ahead with the purchase of land indicating its tentative location, quantum and financial involvement. In terms of Finance Department Memorandum No.862-FB Dated 14/10/2015, the administrative department shall get the proposal vetted by the Finance Department before placing it for Cabinet approval.”

4. This Court, thus, finds that it is the finding of the respondent no.2 that the requiring body, that is, the respondent no.4 authority have substantially utilized the writ petitioner’s property to the extent of 0.33 acre in LR Plot No.377.
5. In view of such, in terms of the spirit of the order dated 30.05.2018 as passed by the respondent no.2 authority, this Court directs the respondent no.4 authority to take appropriate steps for compensating

the writ petitioner by way of direct purchase of the
aforementioned land on the basis of the circular of the
Land and Land Reforms Department, Government of
West Bengal dated 25.02.2016.

6. The entire exercise including disbursement of compensation in favour of the writ petitioner shall have to be completed by the respondent no.4 authority positively within 180 working days from the date of communication of the server copy of this order.
7. The time limit as fixed by this Court is mandatory and peremptory.
8. Liberty is given to the learned advocate on record for the writ petitioner to communicate the server copy of this order to the respondent no.4 for his immediate compliance.
9. With the aforementioned observation, the instant writ petition being WPA 14187 of 2025 is disposed of.
10. 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.)