

ASR 12.
Ct. no. 24.
13.06.2025

WPA 15532 of 2022

**Smt. Josada Patra
Vs.**

State of West Bengal & Ors.

Mr. Supratik Syanyal
Mr. Dilip Kumar Shyanal

..... for the petitioner.

Mr. Ashim Kumar Ganguly
Mr. Subrata Dasgupta

..... for the State Respondent

Petitioner is a Patta holder and was in possession of the land-in-question.

The land was utilized by the concerned department for public purpose. Petitioner approached the authority for necessary compensation. The order for compensation was not passed.

Hence the petitioner approached this court.

During the pendency of this writ petition the appropriate authority requested the petitioner to approach them for redressal of her grievances.

Accordingly, the petitioner approached the authority.

Learned counsel for the State respondent submits that the decision has been obtained by the competent authority where decided that the compensation has to be paid to the petitioner within a very short period.

The written instruction as placed by the learned counsel for the petitioner and the relevant portions thereof are set out for the better determination of this matter.

Memo No. SS-215-LA/3M-14/25 dated 13.03.2025

**From: The Special Secretary, Land & Land Reforms
& RR & R Department**

To : The District Magistrate, Paschim Medinipur.

**Sub: Clarification on some issues in the
matter of Direct Purchase of Land under the
Notification No. 756-LP/1A-03/Pt-II dated
25.02.2016.**

Serial no.	Issue	Clarification
1.	Compensation to Bargadars	Compensation to the recorded Bargadars who have been cultivating the land and are affected in the land purchase is to be determined determined in terms of the para-74 of the Chapter-V of the West Bengal Land Acquisition Manual, 1991.
2.	Compensation to patta	If a land to be purchased is a vested land settled

	holders	<i>u/s-49(1) of WBLR Act by issuing patta, then efforts are to be taken to resettle them in another govt. land and then the patta is to be annulled for the transfer of the land to the Requiring Body. After such annulment, the land is to be brought into the Khatian of Collector. Thereafter the land is to be settled with the Requiring Body by Inter Departmental Transfer, Perpetual Transfer, Land Term Lease as the case may be.</i> <i>If no alternative govt. land for relocation/resettlement is found then in terms of para-40 of the G.O. no. 1701-LA-3M=07/06 dated Kolkata 6th June, 2006; full compensation like a free hold raiyat is to be</i>
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		<i>paid. However, as there is no question of land registration; incentive would be 10% instead of 50% as per provision of para-3(xi) of Notification no. 756-LP/IA-03/Pt-II/14 dated 25.2.2016. After payment of such compensation, patta is to be annulled for transfer of the land to the Requiring Body. After such annulment, the land is to be brought into the Khatian of Collector. Thereafter the land is to be settled with the Requiring Body by Inter Departmental Transfer, Perpetual Transfer. Long Term Lease as the case may be.</i>

On perusing the written instruction it appears that the department has settled the matter and

admitted that the petitioner is entitled to the compensation. As the matter has been settled by the department by issuing a specific memo. as mentioned above in the written instruction, these left nothing in the instant writ petition.

Under the above observation, the instant writ petition is disposed of with a direction to the concerned appropriate authority to pay compensation to the petitioner by passing a specific order after giving her a reasonable opportunity of being heard within 10 weeks from the date of passing of this order.

The reasoned order shall consist the amount of compensation to be paid to the petitioner.

The concerned authority must pay the compensation within two weeks from the date of taking the reasoned decision.

The decision of the authority shall be intimated to the petitioner within two weeks from the date of decision.

Under the above observation, the writ petitioner is disposed of.

[Subhendu Samanta, J]