

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side**

Ct.19 **28.10.25**
Item No.9 Sws.M

WPA 17851 of 2024

**Amal Kumar Bera and Ors.
Vs
The State of West Bengal & Ors.**

Mr. Uttam Kumar Bhattacharyya
...for the petitioners

Mr. Soumitra Bandyopadhyay, Sr. Govt. Adv.
Mr. Priyabrata Batabyal
....for the State

1. The affidavit-of-service as filed today on behalf of the petitioners is taken on record.
2. The writ petitioners and the respondent-State and its instrumentalities are represented by their respective counsels.
3. By filing the instant writ petition the writ petitioners have prayed for issuance of appropriate writ against the respondents authorities; more specifically against the respondent No. 3/authority commanding him to take appropriate steps for passing an award under Act XXX of 2013 in respect of 5 decimals of land of the petitioners, particulars of which has been mentioned in paragraph 2 of the instant writ petition.
4. At the time of hearing, Mr. Bhattacharyya, learned advocate appearing on behalf of the writ petitioners at the very outset draws attention of this Court to

page Nos. 34 to 36 of the instant writ petition being the copy of the orders dated 24.01.2024, 29.01.2024 and 31.01.2024 as passed by the respondent No. 3/authority.

5. It is submitted by Mr. Bhattacharyya that on perusal of the said orders dated 24.01.2024, 29.01.2024 and 31.01.2024 it would reveal that the respondent No. 3/ authority candidly admitted that in respect of the aforementioned land of the writ petitioners, no compensation was awarded to the writ petitioners despite the fact that the aforementioned land of the petitioners was requisitioned and taken over possession on 06.04.1979.
6. It is submitted thus by Mr. Bhattacharyya that appropriate relief/reliefs may be granted to the writ petitioners in terms of the prayers made in the instant writ petition.
7. Placing his reliance upon a judgment dated 20.05.2025 as passed by this Court in **WPA 17757 of 2024 (Sadhan Narayan Kundu and Ors. vs. The State of West Bengal and Ors.)**, it is submitted by Mr. Bhattacharyya that in an identical case this Court directed the jurisdictional Special Land Acquisition Officer to initiate a proceeding for acquisition of the land of the writ petitioners afresh under Act XXX of 2013 and to complete such

proceeding within a specified date as well as to pay just compensation also within a specified date.

8. *Per contra*, Mr. Bhattacharyya, learned Senior Government Advocate duly assisted by Mr. Batabyal submitted before this Court that from the order dated 31.01.2024 as passed by the respondent No.3/ authority it would reveal that 80% of the structure value was awarded in favour of the structure owners.
9. On careful perusal of the entire materials as placed before this Court and after hearing the learned advocates for the contending parties it appears that while passing the order dated 31.01.2024, the respondent No. 3/authority came to a specific finding that the petitioners' aforementioned land was duly requisitioned and was taken on possession on 06.04.1979 in a proceeding under Act II of 1948.
10. It further reveals from the order dated 31.01.2024 that after repealing of Act II of 1948 though a notice under Section 4(1a) of the Act was published in the Calcutta Gazette, however, no award was published in favour of the writ petitioners within the statutory period.
11. It has been further noticed by this Court that the respondent No. 3/authority also noticed that in the meantime Act I of 1894 was repealed with the enactment of Act XXX of 2013 and accordingly the respondent No. 3/authority directed the requiring

body to take appropriate steps for disbursement of adequate compensation to the petitioners.

12. It appears to this Court that the respondent No. 3/authority while passing the order dated 31.01.2024 made no venture to assess the compensation on account of acquisition of the aforementioned land of the petitioners as per the provisions of Act XXX of 2013 which he is duty bound to do.
13. In view of such, this Court while disposing of the instant writ petition directs the respondent No. 3/ authority to take appropriate steps for initiating a fresh proceeding for acquisition of the land of the writ petitioners, particulars which has been mentioned in paragraph 2 of the instant writ petition as per the provisions of Act XXX of 2013 and to complete the said proceeding within 120 working days from the date of communication of the server copy of this order and to pay just compensation to the writ petitioners within four weeks thereafter.
14. The Special Land Acquisition Officer is further directed to assess the rent payable to the writ petitioners for utilizing the land of the petitioners since 06.04.1979 till the date of initiating a proceeding under Act XXX of 2013 and also to disburse the same along with the assessed

compensation as would be made under Act XXX of 2013.

15. The time limits as fixed by this Court are peremptory and mandatory.
16. Liberty is given to the learned advocate-on-record to communicate the server copy of this order to the respondent No. 3/authority.
17. The respondent No. 3 is directed to act on the server copy of this order.
18. With the aforementioned observation, **WPA 17851 of 2024** is **allowed** and **disposed of**.
19. Before parting with it is made clear that since affidavits have not been called for, the allegations made in the instant writ petition are deemed to have been denied.
20. Urgent Photostat certified copy of this judgment, if applied for, be given to the parties on completion of usual formalities.

(Partha Sarathi Sen , J.)