

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

23 13.2.2025
Sc Ct. no.2

WPA 17579 OF 2023

Gopal Chandra Ghosh & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Partha Sarathi Mondal
Mr. Chiranjit Saha.

.....For the Petitioners

Mr. Ayan Banerjee
Ms. Suchana Banerjee.

.... For the State

Affidavit-of-service, filed in Court today, is taken on record.

Mr. Partha Sarathi Mondal , learned Advocate appears for the petitioners.

Mr. Ayan Banerjee, learned State Advocate appears for the respondents.

The petitioners claimed to be the legal heirs of one ***Pulin Behari Ghosh*** since deceased. The land of the deceased was acquired for public purpose under Land ***Acquisition Case being L.D. No. 1240 dated 31.01.2023.*** The petitioners claimed that the compensation has not yet been paid either to the deceased during his lifetime or to his legal heirs till now. The petitioners have submitted the representation before the respondent no.2 on ***June 26, 2023, Annexure-P3 at***

page 21 to the writ petition and the same has not yet been decided.

In view of the above, the respondent no. 2 upon issuing a prior hearing notice at least seven days to the petitioners and after affording them an opportunity of hearing shall decide the representation dated **June 26, 2023 Annexure-P3 at page 21** to the writ petition by passing a reasoned order in accordance with law.

It is needless to mention that the petitioners may participate in the hearing through their duly authorized representatives.

The entire exercise shall be carried out and completed by the respondent no. 2 positively within a period of **six weeks** from the date of communication of this order and the reasoned order shall be communicated to the petitioners and also to their authorized representatives positively with a further period of **two weeks** from the date of said reasoned order to be passed.

While deciding the issue and passing its reasoned order, the respondent no. 2 shall refer to and disclose all the relevant materials to show when and how the compensation has been determined and if paid, to whom and if not paid the reason for the same.

It is made clear that this court has not gone into merits of the claim of the petitioners and the petitioners shall be at liberty to urge whatever points they wish to urge relying upon whatever records and documents they

wish to rely upon before the respondent no. 2 but the same shall not travel beyond the scope of the said representation dated **June 26, 2023**, as referred to above.

In the event it is found that the petitioners are eligible to receive the compensation then upon compliance of all the necessary formalities, the compensation shall be disbursed and paid to the petitioners by the respondent no. 2 and/or any other appropriate State authority in accordance with law positively within a further period of **four weeks** from the said reasoned order to be passed.

It is made clear that this order shall not create any right or equity in favour of the petitioners if they do not succeed to their respective claims strictly accordance with law before the respondent no. 2.

In the event it is found that the payment of compensation is long pending payable to the petitioners then the respondent no. 3 and/or appropriate State Authority shall pay the same to the petitioners along with interest @ **5%** per annum from the date of taking over possession of the land till the date of actual tendering of compensation to the petitioners.

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

The time frame as directed above stands mandatory.

With the above observations and directions, this writ petition, **WPA 17579 of 2023** stands ***disposed of***, without any order as to costs.

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

(Aniruddha Roy, J.)