

S/L 6
04.09.2025
Court. No. 19
Suwayan

WPA 23659 of 2023

**Anitya Niyogi & Ors.
Vs.
The State of West Bengal & Ors.**

*Mr. Gazi Faruque Hossain
Ms. Priyanka Mondal*

...for the petitioners.

*Mr. Chandi Charan De, AGP
Mr. Anirban Sarkar*

...for the State.

1. Both the writ petitioners and the respondents/State are represented by their respective Counsels.
2. On behalf of the writ petitioners one affidavit-of-service and one set of papers showing payment of additional Court fees of Rs. 23,200/- have been filed and those are taken on record.
3. By filing the instant writ petition the writ petitioners have prayed for issuance of appropriate writ/writs against the respondents/authorities more specifically against the respondent no. 2/authority to take appropriate steps for payment of just and fair compensation to the writ petitioners for utilization of their seven acres of land.
4. At the time of hearing, Mr. Hossain, learned Advocate appearing on behalf of the writ petitioners at the very outset draws attention of this Court to page no. 148 of the instant writ petition being annexure P2 which is a copy of the resolution of the meeting dated 08.09.2016 at the chamber of the SDO, Diamond Harbour. It is submitted by Mr. Hossain that in the said meeting it was decided that seven acres of land would be utilized

by the respondents/State for the purpose of embankment in the Sundarban area. Drawing attention to page nos. 150 to 163 of the writ petition it is submitted by Mr. Hossain that thereafter the writ petitioners have made several representations with the respondents/authorities for getting adequate compensation but of no effect.

5. It is thus submitted by Mr. Hossain that appropriate relief/reliefs may be granted to the writ petitioners in terms of the prayers made in the instant writ petition.
6. In course of his submission Mr. De, learned AGP appearing on behalf of the respondents/State in his usual fairness submits before this Court that the respondent no. 5/authority may be directed to make a demarcation and he may be further directed to consider the representations of the writ petitioners in accordance with law in the light of the said demarcation report.
7. In view of such, this Court while disposing the instant writ petition directs the respondent no. 5/authority to make demarcation after serving prior service of notice upon the writ petitioners either by himself or by any competent engineer who is subordinate to him and after obtaining the demarcation report the respondent no. 5/authority is further directed to consider the representations of the writ petitioners in accordance with law in the light of the said demarcation report(s).
8. It is further directed that in the event while considering the representations of the writ petitioners the

respondent no. 5/authority finds sufficient justification in such representation he shall forthwith take up the matter with the respondent no. 4/authority for taking appropriate steps for purchasing the utilized land of the writ petitioners, if there be any, on behalf of the State by applying direct purchase policy.

9. The entire exercise as indicated hereinabove is to be completed by the respondent no. 5/authority within 180 working days from the date of communication of the server copy of this order.
10. The respondent no. 2 is further directed to complete the process of direct purchase policy also within 90 working days from the date of receipt of a favourable proposal from the respondent no. 5/authority, if there be any.
11. Liberty is given to the learned Advocate-on-Record for the writ petitioners to communicate the server copy of this order to the respondent nos. 5 and 2/authorities along with copies of all representations of the writ petitioners.
12. The respondent nos. 5 and 2/authorities are directed to act on the basis of the server copy of this order.
13. With the aforementioned observation, the instant writ petition being WPA 23659 of 2023 is disposed of.
14. Urgent Xerox certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Partha Sarathi Sen, J.)