

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

25.03.2025

Ct. no.2
M/L Sl. 594
Moumita

WPA 24035 of 2019

Sri Anadi Jana & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Mrinal Kanti Ghosh

Mr. Kartik Chandra Kapas

.... For the Petitioners

Mr. Kartik Chandra Kapas, learned advocate appears for the petitioners.

None appears for the respondents, nor any accommodation has been prayed for.

The report of the Registry dated **February 9, 2021**, shows that despite direction no affidavit-in-opposition was filed. The last report of the Registry dated **February 24, 2025** also confirms the same.

Considering the case made out in the writ petition and after considering the submissions made on behalf of the learned advocate appearing for the petitioner, this court is of the view that any further pendency of this writ petition will not serve any fruitful purpose. Accordingly, this writ petition is taken up for final consideration.

The petitioners submit that, their land after being acquired has been utilized for raising and strengthening of Mohonkhali Circuit embankment as would be evident

from the report of the jurisdictional SDO dated **July 5, 2019 annexure p-4 at page 25** to the writ petition. The acquired portion of the land has also been demarcated. The demarcation was done upon notice to the petitioners as would be evident from **annexure p-3 at page 23** to the writ petition. The petitioners submit that no compensation has been paid to the petitioners.

Learned counsel appearing for the petitioner submits that an affidavit-in-opposition said to have been affirmed on **April 10, 2023** has been served upon the petitioner. However, no such affidavit-in-opposition is found in record. The petitioner submits affidavit-in-reply thereto has been filed before this court, which is on record.

In view of the above, the petitioner shall serve a complete set of writ petition, affidavit-in-opposition and affidavit-in-reply upon the jurisdictional Special Land Acquisition Officer along with a copy of today's order.

The jurisdictional Special Land Acquisition Officer after receiving the aforesaid documents from the petitioners shall issue a prior notice of hearing of **at least 10 days** to the petitioners and other interested parties, if any and upon giving them an opportunity of hearing shall dispose of the grievance of the petitioner, in the light of the case made out in the writ petition and the affidavits to be placed before him, by passing a reasoned order in

accordance with law, for the purpose of paying compensation to the petitioners.

The entire exercise shall be carried out and completed by the jurisdictional Special Land Acquisition Officer positively within a period of **ten weeks** from the date of communication of this order along with the documents mentioned above. The reasoned order shall be communicated to the petitioners and other interested parties, if any, within a further period of **two weeks** from the date of the said reasoned order to be passed.

It is made clear that this Court has not gone into the merits of the claim of the petitioners and the petitioners and the other interested parties, if any, shall be at liberty to urge whatever points they wish to urge on their respective claims for compensation on acquired land by relying upon whatever records and documents they wish to rely upon before the jurisdictional Special Land Acquisition Officer but the same shall not travel beyond the scope of the case made out in the writ petition, as referred to above.

If the reasoned order goes in favour of the petitioners and other interested parties, if any, the jurisdictional Special Land Acquisition Officer and any other appropriate state authority shall give an immediate effect thereto by taking all necessary and consequential steps in accordance with law. The

compensation shall be calculated and determined and to be paid to the petitioners and other interested parties, if any strictly in accordance with law.

It is needless to mention that, if the petitioners or other interested parties, if any or their predecessors-in-interest are found to have been paid the compensation already, they shall not be paid further compensation.

It is further made clear that this order shall not create any right or equity in favour of the petitioners or other interested parties, if any, if they do not succeed to their respective claims before the jurisdictional Special Land Acquisition Officer strictly in accordance with law.

In the event if it is discovered that the claims lodged by the petitioners by using any practice of fraud, the jurisdictional Special Land Acquisition Officer shall immediately initiate the appropriate criminal proceedings against them in accordance with law.

In the event any assistance is required for producing records or otherwise, the jurisdictional Block Land & Land Revenue Officer shall provide all such assistance to the jurisdictional Special Land Acquisition Officer.

With the above observations and directions, this writ petition, **WPA 24035 of 2019** stands ***disposed of***, without any order as to costs.

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

(Aniruddha Roy, J.)