

**22 22.07.
2025**

**Ct. No.
07**

Ab

WPA 26200 of 2016

Sharat Chandra Mandal

Vs.

The State of West Bengal and others.

**Mr. Amit Kumar Pan,
Mrs. Tanusri Santra.
... for the petitioner.**

**Mr. Chandi Charan De, Ld. AGP,
Mr. Soumitra Bandyopadhyay,
Mr. Priyabrata Batabyal,
Mr. Anirban Sarkar.
... for the State.**

1. A fresh report filed on behalf of the State is taken on record.
2. The present writ petition has been preferred praying for the issuance of an appropriate order and/or direction and/or writ, particularly in the nature of Mandamus, commanding the concerned respondents to pay compensation to the petitioners for the rents acquired and utilized by the respondents in terms of the relevant provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as the '2013 Act').
3. Briefly stated, the essential facts that led to the institution of the present writ petition are that sometime in the year 1970, a proceeding under the West Bengal Land Acquisition (Regulation and Acquisition) Act, 1948 (hereinafter referred to as 'Act II of 1948') was initiated with the objective of fulfilling a project, namely, the

Charial Basin Drainage Scheme within Mouza – Sankharipota, South 24-Parganas.

4. Accordingly, a chunk of land, including certain plots belonging to the petitioners, was requisitioned under Act II of 1948, and possession of the land was taken over by way of requisition on 27th January 1972. Eventually, the said land was acquired upon publication of a notice under Section 4(1A) of Act II of 1948 in the Calcutta Gazette on 16th August 1982.
5. The petitioners' grievance is that no notice under Section 3(1) of Act II of 1948 has been served upon them, and to date, no compensation has been paid.
6. Mr. Amit Kumar Pan, learned Advocate representing the petitioners, submits that Act II of 1948 stood repealed on 31st March 1997, and on 2nd May, 1997, the Land Acquisition (West Bengal Amendment) Act, 1997 received the assent of the President of India, with the notification published in the official gazette, indicating that the Act came into operation with effect from 1st April 1997. By that amendment, Section 9 of the Land Acquisition Act, 1894 (Act I of 1894) (hereinafter referred to as 'Act I') was amended, and sub-sections (3A) and (3B) were inserted. He further submits that the land acquisition proceeding initiated by the respondents under Act II of 1948 was sought to be revived by invoking the provisions of Section 9(3B). However, he argues that since no award was declared within the time limit specified in Section 11A of Act I, and no compensation has been paid to the

petitioners as yet, the proceeding had lapsed. He also submits that subsequently the 2013 Act came into operation, and in view of Section 24 of the 2013 Act, the Land Acquisition Act-I of 1894 stood repealed. Therefore, the respondents, having acquired and utilized the land, have no alternative but to pay compensation in accordance with the relevant provisions of the 2013 Act.

7. He submits that the report submitted on behalf of the State indicates that the State has adopted a Direct Purchase Policy and intends to make compensation to the petitioners as per the policy. However, the State has not come forward with a definite proposal specifying the amount to be paid under the Direct Purchase Policy or the time frame within which the payment would be made.
8. Mr. Chandi Charan De, learned Additional Government Pleader, has highlighted that in the report filed in February, 2025 before this Court, the State has disclosed its stand that under the direct purchase policy, the estimated value of the land as per the valuation of the ADSR shall be paid to the petitioners. The proposal shall be sent to the administrative department within the next one month.
9. The report prepared on behalf of the State indicates that in February 2025, it was decided that the estimated value of the lands shall be paid to the petitioner as per the valuation of the ADSR, and the proposal would be sent to the administrative department within one month thereafter. The requiring body would be requested to get

the fund released within three months before the District Land Purchase Committee.

10. Mr. De further submits that the entire exercise shall be completed within five months from the date, and the value of the land shall be handed over to the petitioners.
11. Mr. Pan submits that if such payment is made within the time specified, he will not stand in the way.
12. Taking note of the stand of the respective parties, the present writ petition is disposed of by directing respondent no. 2, who is the ex-officio Chairman of the District Purchase Committee, to complete the process and make payment of the value of the land and other admissible benefits under the Direct Purchase Policy to the petitioners within a period of five months from the date.
13. There shall, however, be no order as to costs.

(Partha Sarathi Chatterjee, J.)

