

Item No.39
09.06.2025
Court. No. 19
GB

W.P.A. 26390 of 2023

Gautam Sarkar
Vs.
The State of West Bengal & Ors.

Mr. Arindam Chattopadhyay,
Ms. Lipika Chatterjee,
Mr. Soumik Dey,
Mr. Saikat Pal

...for the Petitioner.

Mr. Supratim Dhar,
Mr. Amrita Lal Chatterjee

...for the State.

Mr. Suman Basu

...for the Respondent No.5.

1. The affidavit-of-service as filed today is taken on record.
2. On behalf of the respondent/State and its functionaries, that is, respondent nos.1 to 4 a report dated 18.01.2024 is filed and the same is taken on record.
3. On behalf of the respondent no.5, that is, Accountant General (A & E) a copy of memo dated 15.01.2019 is filed and the same is also taken on record.
4. By filing the instant writ petition the writ petitioner has prayed for issuance of appropriate writ/writs against the respondent authorities to disburse the adequate amount of compensation in favour of the writ petitioner in connection with APP Case No.78/2002-03 together with interest till the date of actual payment.
5. This Court has heard the learned advocates for the contending parties at length.

6. On careful consideration of the entire materials as placed before this Court, it reveals that in connection with RS and LR Plot No.755 and ASL No.36 an award was originally published in the name of the private respondent nos.6 and 7. Subsequently, by an order dated 06.09.2010 the jurisdictional Additional District Magistrate corrected the said award and the same was directed to be disbursed in favour of the writ petitioner.
7. From the memo dated 18.01.2024 as submitted on behalf of the respondent State it reveals that since long period has elapsed from the date of land acquisition which was unclaimed, a letter was sent to the respondent no.5 authority for refund of the same which has been deposited in the treasury vide office memo no.1963/LA dated 04.10.2010. It is the further case of the respondent/State that till date no sanction has been received from the respondent no.5 authority and which is why the awarded amount could not be released in favour of the writ petitioner.
8. At this juncture, if I look to the memo dated 15.01.2019 as submitted on behalf of the respondent no.5, it reveals that it is the stand of the respondent no.5 authority that since in the list as provided by the respondent authorities to the respondent no.5 there is no mention of the name of the writ petitioner as an awardee in connection with LA Case No.APP

78/2002-03 it would be difficult for him to grant sanction as prayed for.

9. It, thus, appears to this Court that the writ petitioner is unnecessarily deprived on account of communication gap and/or miscommunication between the respondent nos.1 to 4 authorities and the respondent no.5 authority.
10. In view of such, while disposing the instant writ petition this Court directs the respondent no.5 to grant sanction for refund and/or payment of the awarded amount in favour of the writ petitioner in connection with LA Case No. APP 78/2002-03 as requested by respondent no.4 vide his memo no.2198/LA dated 12.11.2010 and such sanction letter must be communicated to the respondent no.4 authority positively within 30 working days from the date of communication of the server copy of this order.
11. The respondent no.4 authority on receipt of such sanction from the respondent no.5 authority shall disburse the awarded amount in favour of the writ petitioner also within 30 working days from the date of receipt of the communication of the said sanction.
12. The time limit as fixed by this Court is mandatory and peremptory.
13. The respondent no.5 and respondent no.4 authority are directed to act on the server copies of this order.

14. Liberty is given to the learned advocate on record to communicate the server copies of this order to the respondent no.5 authority and respondent no.4 authority for their immediate compliance.
15. With the aforementioned observations the instant writ petition being WPA 26390 of 2023 is disposed of.
16. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Partha Sarathi Sen, J.)