

09-10. 16.05.2024
Court No.37
(Tanmoy)

IN THE HIGH COURT AT CALCUTTA
SPECIAL CIVIL JURISDICTION
APPELLATE SIDE

CPAN/1346 /2024

SK. YEAMIN ALI & ANR.
VS

MR. RANJAN HAIT, THE SPECIAL LAND ACQUISITION
OFFICER, PASCHIM MEDINIPUR

ARISING OUT OF

MAT/580/2018

With

RVW 358 of 2024

IA No: CAN/1/2024, CAN/2/2024 (not in file)

THE STATE OF WEST BENGAL AND ORS.
VS
SK YEASMIN ALI AND ORS.

Mr. Lalratan Mondal
Mr. Dilip Kumar Sadhu

...for the petitioners
in CPAN/1346/2024 &
for the writ petitioners/respondents
in MAT/580/2018.

Mr. Sk. Md. Galib, Sr. Govt. Adv.
Ms. Sujata Mukherjee

...for the alleged contemnor.

Mr. Wasim Ahmed
Mr. Md. Ziaur Rahaman

...for the State/review applicants.

Dictated by Arijit Banerjee, J.

In Re: IA No: CAN/1/2024

1. This is an application for condonation of delay of Three Hundred and Sixteen (316) days, as per the noting of the Additional Stamp Reporter, in presenting an application for review of a judgment and order dated December 22, 2023, whereby

MAT/580/2018, was disposed of by this Bench. Causes shown being sufficient, the delay is condoned. The application being IA No: CAN/1/2024 is accordingly disposed of.

In Re: RVW/358/2024
With
IA No: CAN/2/2024

2. Learned Advocate for the review applicants fairly states that though this application has been filed as a review application, the review applicant i.e. The State of West Bengal, is not challenging the merits of the order in question. The order had directed the Special Land Acquisition Officer, Paschim Medinipur, to initiate fresh acquisition proceedings in respect of the concerned land of the writ petitioners (respondents herein) under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as the '2013 Act'), for the purpose of paying compensation to the writ petitioners and to complete such proceedings within four months from the date of communication of the order. The compensation was directed to be paid to the writ petitioners within a month thereafter.

- 3.** Learned Advocate for the State says that there has been a bifurcation of the concerned Department, which now falls within the district of Jhargram. Therefore, the direction should be on the Special Land Acquisition Officer, Jhargram.
- 4.** We see logic in the submission made by learned Advocate for the State.
- 5.** Mr. Mondal, learned Advocate appearing for the respondents/writ petitioners, also says that so long as the writ petitioners receive compensation on an early date, he has no objection as to the personnel on whom the direction is issued.
- 6.** We, therefore, modify the judgment and order dated December 22, 2023, only to the extent that the direction in paragraph 16 of the judgment and order will be deemed to be on the Special Land Acquisition Officer, Jhargram instead of the Special Land Acquisition Officer, Paschim Medinipur.
- 7.** Learned Advocate for the State further says that the State is desirous of purchasing the land of the writ petitioners under the Direct Purchase Policy.
- 8.** We clarify that the State will be at liberty to do so if the writ petitioners agree in that regard; otherwise the judgment and order dated December 22, 2023 has to be complied with.

- 9.** We, therefore, direct the Special Land Acquisition Officer, Jhargram, to initiate fresh acquisition proceedings in respect of the concerned land of the writ petitioners under the 2013 Act for the purpose of paying compensation to the writ petitioners and complete such proceedings within four months from the date of communication of this order. The compensation shall be paid to the writ petitioners within a month thereafter.
- 10.** Accordingly, RVW/358/2024 and IA No: CAN/2/2024 are disposed of.

In Re: CPAN/1346/2024

- 11.** In view of the order passed earlier today on the review application filed by the State, we see no reason to keep this contempt petition pending, which, accordingly stands disposed of.
- 12.** Urgent photostat certified copy of this order, if applied for, be made available to the parties, upon compliance with all requisite formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)