

10.06.2025
Sl. No.42(ML)
Ct. No.19
srm

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

W.P.A. No. 27723 of 2023

Sri Gourab Sarkar & Ors.

Versus

The State of West Bengal & Ors.

Mr. Partha Pratim Roy,
Mr. Anirban Das

...for the Petitioners.

1. The affidavit of service, as filed on behalf of the writ petitioners, is taken on record.
2. None appears on behalf of respondent State, despite service.
3. By filing the instant writ petition, the writ petitioners have prayed for issuance of appropriate writ/writs against the respondent authorities; more specifically; against the respondent No.5 and the respondent No.7 authorities to initiate acquisition proceeding on account of utilisation of the land of the writ petitioners, particulars of which has been mentioned in paragraph 2 of the instant writ petition, by the respondent No.7 authority.
4. From the materials, as placed before this Court, it reveals that in an earlier round of litigation, a Co-ordinate Bench *vide* its judgement and order dated 11.3.2022 as passed in WPA 758 of 2022 directed the respondent No.4 authority to consider the

representation of the writ petitioners. From page 29 and 30 of the instant writ petition, it reveals that the respondent No.6 authority i.e., the Additional Land Acquisition Officer, Nadia while considering the representation of the writ petitioners came to a finding that I&W Department is no way involved in the matter and the writ petitioners have wrongly impleaded the said I&W Department and on such finding the writ petitioners' representation was not considered favourably.

5. At this juncture, the learned Advocate for the writ petitioners draws attention of this Court to page 33 of the instant writ petition being a copy of the letter dated 17.3.2023 as written by the present writ petitioners addressed to the respondent No.2 authority. It is submitted that under cover of the said letter dated 17.3.2023 the respondent No.2 was requested by the writ petitioners to take appropriate steps for initiation of land acquisition proceeding on account of unlawful utilisation of the land of the writ petitioners by the respondent No.7 authority but of no effect.
6. In view of such, this Court while disposing the instant writ petition directs the jurisdictional BL&LRO to make a field enquiry after service of prior notice to the writ petitioner Nos.1 to 4 and to submit a demarcation report with the respondent No.7 authority positively within 30 working days from the

date of receipt of server copy of this order along with a copy of the instant writ petition.

7. The respondent No.7 authority on receipt of such demarcation report shall cause service of notice upon all concerned including the writ petitioners and after giving an opportunity of hearing to all concerned including the writ petitioners and/or their authorised representative(s) shall consider the representation of the writ petitioners as submitted on 17.3.2023 in accordance with law and shall pass a reasoned order in writing soon thereafter and shall communicate the same to the writ petitioners preferably by email, if the mail details of the writ petitioners are provided by them at the time of hearing.
8. The entire exercise, as indicated hereinabove, is to be completed within 60 working days from the date of receipt of the report by the respondent No.7 from the jurisdictional BL&LRO.
9. The time limit, as fixed by this Court, is mandatory and peremptory.
10. It is further directed that in the event the respondent No.7 while passing the reasoned order finds sufficient justification in the representation dated 17.3.2023 of the writ petitioners he shall take appropriate steps by referring the matter to the respondent No.3 i.e., the District Magistrate, Nadia who on receipt of such report being the head of the

Land Purchase Committee, Nadia shall take appropriate steps for execution and registration of deed of conveyance of the utilised portion of the land of the writ petitioners, as claimed, upon payment of consideration money at the market value as would be assessed by the District Registrar, Nadia.

11. The respondent No.7 authority is directed to ensure the availability of consideration money at the market rate as indicated hereinabove with the respondent No.3 soon after obtaining requisition from the respondent No.3 authority.
12. Liberty is given to the learned Advocate-on-record of the writ petitioners to forward the server copy of this order together with a copy of the instant writ petition to the respondent No.3 and respondent No.7 authorities. The respondent No.7 is hereby directed to act on the basis of the server copy of the said order.
13. The respondent No.3 is hereby directed to forward the server copy of this order together with the copy of the writ petition to the jurisdictional BL&LRO for his due compliance.
14. With the aforementioned observation, the instant writ petition being WPA 27723 of 2023 is disposed of.
15. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

16. Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Partha Sarathi Sen, J.)