

Court No. 2
11.02.2025
(Item No. 16)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 29319 of 2024

Shibani Sardar
VS
The State of West Bengal & Ors.

Mr. Partha Pratim Roy
Mr. Samrat Chakraborty
.... For the petitioner
Mr. Chandi Charan De, Id. A.G.P.
Mr. Anirban Sarkar
.... For the State

Affidavit-of-service, filed in Court today, is
taken on record.

Mr. Partha Pratim Roy, learned counsel
appears for the petitioner.

Mr. Chandi Charan De, learned Additional
Government Pleader appears for the State
respondents.

The petitioner claims to be the owner of **0.55 acres** of land which has been acquired by the State for public purpose. The petitioner accordingly claims compensation against the said **0.55 acres** of land. Referring to the statutory notice, **annexure P-1** at **page 22** to the writ petition learned counsel for the petitioner submits that the total land was acquired of **2.550 acres**.

Today learned Additional Government Pleader files a report dated **January 3, 2025** issued under the signature of the **Executive Engineer, Suburban Drainage Division** along with copies of all the

supportive records, the same is taken on record. Copy has also been served upon Mr. Parth Pratim Roy, learned advocate for the petitioner.

The report shows a sum of **Rs.96,00,000/-** has already been disbursed by the **Additional Pay and Accounts office Kolkata** in favour of the jurisdictional **L.A. Collector, South 24 Parganas, Alipur**. However, the report does not show whether any amount has been disbursed and paid to the petitioner in so far as her portion of land is concerned.

In view of the above, the writ petitioner shall serve a copy of this writ petition along with a copy of today's order upon the respondent No. 2. After receiving the said communication from the petitioner, the respondent No. 2 is directed upon issuing a prior hearing notice of at least seven to the petitioner and after granting her an opportunity of hearing shall decide the issue stated in the light of the writ petition by passing a reasoned order in accordance with law.

The entire exercise shall be carried out and completed by the respondent No. 2 positively within a period of **six weeks** from the date of communication of this order and the reasoned order shall be communicated to the petitioner within a further period of **one week** 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 petitioner and the petitioner shall be at liberty to urge whatever points she wishes to urge by relying upon whatever records and documents she wishes to rely upon before the respondent No. 2 but the same shall not travel beyond the scope of the case made out in the writ petition.

In the event, the reasoned order goes in favour of the petitioner, the proportionate amount payable to the petitioner in accordance with law shall be paid to the petitioner by the respondent No. 2 positively within a period of **six weeks** from the date of the said reasoned order to be passed.

It is made clear that this order shall not create any right or equity in favour of the petitioner if the petitioner does not succeed to her claim before the respondent No. 2 strictly in accordance with law.

It is also made clear that, if it is found from the record that the proportionate compensation has already been paid to the petitioner in accordance with law, there shall be no further question of paying any compensation to her.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions, this writ petition, **WPA 29319 of 2024** stands **disposed of**, without any order as to costs.

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

(Aniruddha Roy, J.)