

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

21 02.01.2025
Sc Ct. no.2

WPA 29486 OF 2024

Sumanta Das

Vs.

Union of India & Ors.

Mr. Tarun Das Sarma

.... For the Petitioner

Mr. Dwijadas Chakraborty

Ms. Tanushree Ghosh.

.... For the Respondents
UOI

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

Mr. Tarun Das Sarma, learned counsel appears for the petitioner.

Mr. Dwijadas Chakraborty, learned counsel appears respondent no. 1.

None appears for the rest of the respondents including the private respondents.

The petitioner claims compensation as an occupant of a structure which has been acquired by the National Highways Authority along with the land. The jurisdictional Special Land Acquisition Officer in its order dated **July 20, 2023** at **page 55** to the writ petition had observed as under :

“In respect of structure/house the writ petitioner shall be entitled to get structure value to the affected portion of the structure in as much as

the house under IAY Scheme was constructed at a Government Scheme and that too on 'no objection' by the respondent Sudha Debnath.

But regarding payment of structure it is ordered that as the entire structure value to the tune of Rs.3,18,666/- has been paid on due verification to Sudha Debnath, the structure value for the portion falling under occupation of the writ petitioner specifically the construction raised under IAY Scheme may be arranged after refund from Sudha Debnath as per proportion of the structure.

*The case is thus disposed of. The order of Hon'ble High Court dated 15.06.2023 is complied with.
 Plain copy of the order be served."*

No material has been placed before this Court that whether the compensation amount to the tune of **Rs.3,18,666/-** which has already been paid to the private respondent no.5 by way of structure value including the portion falling under the occupation of the writ petitioner has been refunded or not. The observation of the jurisdictional Special Land Acquisition Officer shows that, the entire structure value was assessed at the said sum of **Rs.3,18,666/-** which has already been paid to the private respondent no.5 and since the same is not refunded, the petitioner was not paid though the right of the petitioner has been declared that that petitioner is entitled to receive compensation proportionate to his occupation at the relevant structure, already acquired.

As there is no conclusive material produced before this Court whether the refund has been made or not by the respondent no.5, no definite direction can be made by this Court in the light of the reliefs claimed in this writ petition.

However, the respondent no.4 shall verify the records and if on such verification it reveals that, the amount has been refunded by the respondent no.5 then, the proportionate compensation payable to the petitioner shall be paid by the respondent no.4 and/or any other appropriate authority positively within a period of **eight weeks** from the date of such verification of record.

The entire verification of record shall be done by the respondent no.4 and the result shall be communicated to the petitioner in writing by the respondent no.4 positively within a period of **two weeks** from the date of communication of this order.

In the event the record shows that the amount has not been refunded by the respondent no.5 then the respondent no.4 shall immediately issue a demand upon the respondent no.5 and then if the amount is not refunded by the respondent no.5, the respondent no.4 shall initiate necessary proceeding against the respondent no.5 for recovery of the amount both civil and criminal, in accordance with law but positively within a period of **two weeks** from

the date of service of demand upon the respondent no.5.

In the event upon inquiry the respondent no.4 finds that, the bank account of the respondent no.5 where the amount was deposited is still maintained and in existence, the respondent no.4 shall serve a copy of today's order upon the concerned branch of the relevant bank so that the bank shall immediately stop operation of the bank account of the respondent no.5 without leaving a sum of **Rs.3,18,666/-** in the bank account of the respondent no.5.

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 29486 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.)