

D/L 57
25.04.2025
Court No.02
PRADIP

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE

WPA 488 of 2025

Bibhash Das
Vs.
The State of West Bengal & Ors.

Mr. Subinay Dey
...for the petitioner.

Mr. Hirak Barman
Mr. Momenur Rahman
...for the State.

Mr. Tridip Saha
Mr. Sourab Kar
...for the Union of India.

1. The petitioner is aggrieved by the assessment of compensation payable on account of acquisition of his plot of land.
2. From the documents annexed to the writ petition it appears that Factor 1.1, in terms of the earlier notification, has been applied for assessment of compensation.
3. According to the petitioner, Factor 2 is required to be applied for assessment of compensation. The same has not been done.
4. In view of the above, the Special Land Acquisition Collector is directed to consider the prayer of the petitioner for grant of compensation by applying Factor 2 in terms of the Notification No. S.O. 425 (E) dated 9th February, 2016 published in the Gazette of India :Extraordinary.

5. Steps shall be taken in the matter at the earliest but positively within a period of eight weeks from the date of communication of this order.
6. If the authority comes to a conclusive opinion that the petitioner would be entitled to any further compensation, then requisition for further payment shall be forwarded by the Special Land Acquisition Collector to the requiring body for payment of the same. The additional payment, if any, shall be made to the petitioner immediately on receipt of fund from the requiring body.
7. The writ petition stands disposed of.
8. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities

(Amrita Sinha, J.)