

07.07.2025

Item No.81

Ct. No. 4

KB

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

**WPA/1394/2025
DIBAKAR SARKAR
VS
THE STATE OF WEST BENGAL AND ORS.**

Mr. Subinay Dey,
Mr. Debanjan Das,
Ms. Supriya Ray
...for the petitioner.

Mr. Momenur Rahaman,
Mr. Bikash Singha
...for the State.

Affidavit of service filed today be kept with the records.

The petitioner is aggrieved by the quantum of compensation paid to the petitioner upon acquisition of the petitioner's land for a project of construction of Railway line.

The petitioner submits that although the petitioner has been paid compensation but such compensation is less inasmuch as the petitioner's compensation has been calculated by multiplying the market value of the petitioner's land by a factor of 1.1 while the petitioner is entitled to compensation calculated by multiplying the market value of his land by a factor of 2.

It is submitted on behalf of the petitioner that in similar cases persons whose lands have been

acquired have been paid compensation by computing the compensation of such persons by multiplying the market value of their land by a factor of 2 instead of a factor of 1.1, upon orders being passed by this Court. In support of his such contention, the petitioner relies on orders of this Court, dated September, 29, 2021 passed in WPA No. 1359 of 2021 in the case of *Bhanu Kaibarta Das @ Bhanu Das Vs. The State of West Bengal and Ors.* and order dated February 10, 2025 passed in WPA No. 300 of 2025 in the case of *Krishna Ghosh Vs. The State of W.B. & Ors.*

Having heard the learned Advocates appearing for the respective parties and having considered the material on record, this Court finds it proper to direct the respondent no. 6 i.e. the Special Land Acquisition Collector, Cooch Behar, to revisit the compensation paid to the petitioner and to find out whether the petitioner is entitled to compensation upon calculating the same by multiplying the market value of the petitioner's land by a factor of 2 instead of 1.1 as alleged by the petitioner.

It is made clear that it will be open to the respondent no. 6 to verify as to whether the land of the petitioner which has been stated to be acquired, deserves compensation to be paid upon

application of a factor of 2 as alleged and as to whether the petitioner's land is covered under the Gazette notification dated February 9, 2016 being "Annexure- P6" to the writ petition.

The respondent no. 6 shall also verify as to whether the petitioner's land has, in fact, been acquired or not.

In case it is found that the petitioner's case is similar to those of the writ petitioners in WPA No. 1359 of 2021 and WPA No. 300 of 2025 and the petitioner is entitled to such compensation arrived at by multiplying the market value of the petitioner's land by a factor of 2, the respondent no. 6 shall immediately take steps, to make such recalculation and disburse the compensation payable upon recalculation. Needless to mention that while disbursing compensation upon recalculation, as aforesaid, the amount of compensation already paid shall be duly factored in and the balance compensation payable because of the application of the factor of 2 would only be paid. The entire exercise as aforesaid shall be completed by the respondent no. 6 within a period of two months from the date of communication of this order.

It is clarified that the respondent no. 6 shall be free to arrive at his own decision as to whether

or not the petitioner is entitled to re-computation of compensation by applying the multiplier/factor of 2 and this order shall not be treated as a mandate to apply such factor, if the petitioner is found not entitled to the same.

WPA no. 1394 of 2025 stands disposed of with the aforesaid observations.

(Om Narayan Rai, J.)