

Item no.26
12.08.2025
Saswata

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

WPA 1672 of 2025

**Hemanta Sarkar
-versus
The State of West Bengal & Ors.**

Mr. Subinay Dey
Mr. Debanjan Das

...For the Petitioner

Mr. Pretom Das
Ms. Rima Sarkar

...For the State.

1. Affidavit of service filed in Court today is retained with the record.
2. The instant writ petition has been filed, inter alia, praying for a direction upon the respondents to, in effect, recompute the compensation payable to the petitioner in respect of the land acquired by the respondents by following the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (as amended)(hereinafter referred to as the "said Act").
3. According to the petitioner although the petitioner's land stood acquired in LAP case no. 05/2008-09 for the project of construction of New Maynaguri to Jogighopa New Broad Gauge

Line and compensation was disbursed in favour of the petitioner, the petitioner has since come to learn that the notification dated 9th February 2016 being S.O.425(E) has not been appropriately applied.

4. According to the petitioner though the petitioner's land is in rural area and the factor by which the market value was to be multiplied was "two (2)", for determining the compensation however, from the advise memo disclosed by the respondents concerning LAP case no. 05 / 2008-09 under the Right To Information Act, it would transpire that the multiplying factor 1.1 was applied on the market value of the land, as was approved by the Land and Land Reforms Department to determine compensation.

5. Having heard the learned advocates for the parties and considering the materials on record, I find that Mr. Das, learned advocate appearing for the State could not enlighten this Court as to why the aforesaid multiplying factor of 1.1 has been applied contrary to the notification dated 9th February 2016.

6. In this context, it may be relevant to note that it was the obligation of the Collector while determining the market value of the land in

terms of Section 26(2) of the said Act, to calculate the same by applying the multiplying factor as specified in the First Schedule and noting that as per the notification dated 9th February 2016, the multiplying factor in case of rural areas is 'two', I find that a computation error may have crept in if the statements made by the petitioner are to be accepted. Accordingly, without going into such issue, I propose to dispose of the writ petition by granting liberty to the petitioner to make a representation before the respondent no.6. In the event, the petitioner pursuant to the above liberty applies before the respondent no. 6 and if, it is found that in similar circumstanced cases the multiplier 2 has been applied, the compensation must be recalculated and disbursed in favour of the petitioner by passing a reasoned order.

7. The entire process of recalculating and disbursing the compensation, in case it is found necessary, should be completed within six weeks from the date of the petitioner making the representation.

8. The writ petition is accordingly disposed of

9. All parties shall act on the basis of the server copy of this order duly downloaded from this Court's official website.

(Raja Basu Chowdhury, J.)