

10.01.2025
Court No. 2
Item No.4
Rakib.

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench At Jalpaiguri
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 1992 of 2024

With

CAN 1 of 2024

Nakul Pandit.

VS

The State of West Bengal & Ors.

Mr. Jagriti Mishra,

Ms. Mrinmayee Das.

... for the Petitioner.

Ms. Supriya Singh,

Mr. Swarup Das.

... for the Respondent/NHAI.

Mr. Sourav Ganguly,

Mr. Bibek Tarafder,

Mr. Gopal Roy,

Ms. Rishita Chakraborty.

... for Intervenor.

Mr. Hirak Barman,

Mr. Bikash Singha.

... for the State.

Report so submitted by Mr. Barman be kept
with the record.

The application being CAN 1 of 2024 filed by
Menoka Pandit Debnath and Abhijit Pandit as
intervenors be allowed with consent of the parties.

Petitioner and the intervenors would submit
before the Special Land Acquisition Officer, Cooch
Behar within a period of one week, their respective
claims for reference as was directed by the Hon'ble
High Court, Calcutta in WPA 296 of 2020. The
relevant part of the order is quoted below:

“Accordingly, I feel it expedient to dispose of the writ petition by directing the respondent No.3 being the Special Land Acquisition Officer and the Competent Authority (Land Acquisition) under the national Highways Act to refer the dispute raised by the petitioner before the Principal Civil Court of original jurisdiction for taking a decision with regard to the title of the land in dispute. The payment of compensation shall be consequential to the order passed by the learned Civil Court declaring the title of the land in question.”

On receipt of such application along with the order, if required the Special Land Acquisition Officer, Cooch Behar would communicate with the parties for further documents, if it is required. In the alternative within a fortnight the Special Land Acquisition Officer would ensure that the direction passed for referring the dispute raised before the Principal Civil Court of original jurisdiction be filed for appropriate adjudication in terms of the said order dated 26.02.2020 passed in WPA 296 of 2020.

With the aforesaid observations WPA 1992 of 2024 along with CAN 1 of 2024 is allowed.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)