

SL. 26
08.04.2026
Court No.19
BP

WPA 25432 of 2025
With
CAN 1 of 2026

Abul Kalam Laskar & Ors.
-versus-
The State of West Bengal & Ors.

Mr. Amarnath Sen
Mr. Malay Dhar
Mr. Shouvik Naskar
..for the petitioners

Mr. Sk. Md. Galib, Sr. Govt. Advocate
Mr. Manish Biswas
..for the State

Mr. Debashis Banerjee
Ms. Neelina Chatterjee
..for the respondent nos. 10 & 11

Mr. Biswajit Sarkar
..for the applicants being
CAN 1 of 2026

Re: **CAN 1 of 2026**

The learned advocate appearing for the petitioners submits that twelve persons joined together and filed this writ petition praying for acquisition in respect of the plot of land being DAG No. 246 within Mouza Agneswar and for compensation, but several other persons whose names have also been recorded in the record of rights in respect of the aforesaid property are also willing to proceed with

their claim for compensation and for return of the aforesaid land to the extent of this share.

In view thereof, CAN 1 of 2026 stands allowed.

Department is directed to carry out necessary amendments in the cause title of the writ petition accordingly.

WPA 25432 of 2025

The status report filed by the Special Land Acquisition Officer, 24 Parganas (South) dated 24th February, 2026 is taken on record.

After going through the said report this Court finds that on the issue of apportionment of rental compensation, hearing took place on 23rd February, 2026.

Mr. Galib, learned senior Government advocate submits that though the hearing has been concluded but the decision of such hearing has not yet been communicated to the writ petitioners.

The learned advocate appearing for the petitioners submits that apart from the writ petitioners there are several other persons, who have already been added as writ petitioners also have a share in the aforesaid plot of land and thus are entitled to a share of compensation. He submits that the authorities may be directed to apportion the compensation amongst the persons whose names have been recorded in the record of rights.

Such submission is disputed by Mr. Galib, learned senior Government advocate. He submits that only an opportunity of hearing has been afforded to the writ petitioners and the persons who have been joined today as petitioners were not given an opportunity of hearing. He submits that in order to arrive at a decision with regard to apportionment of compensation the claim, as to entitlement of compensation of the persons who have been added as writ petitioners have to be adjudicated after affording an opportunity of hearing. He submits that before arriving at any decision for apportionment of compensation and entitlement of the added writ petitioners to compensation, the persons claiming to have an interest in the aforesaid plot have to producing material records in support of their claim for compensation.

The learned advocate appearing for the petitioners submits that the persons whose names have been added as writ petitioners in addition to the original writ petitioners are also entitled to get delivery of possession of the property in question.

Thus it appears that an adjudication on facts is necessary as to who are entitled to get delivery of possession of the derequisitioned land as well as payment of compensation.

It further appears from the report of the ONGC dated 18th February, 2026 that specific 1.02 acres portion of Plot No. 246 intended to be derequisitioned has to be clearly

demarcated. The said report further states that there are several encroachments upon the said property and for such purpose necessary steps are to be taken by the appropriate authority of the State Government to remove such encroachment. It appears that the authorities of the ONGC Limited has submitted a representation before the Sub-Divisional Officer, Diamond Harbour Sub-Division on 5th February, 2026 seeking necessary administrative assistance in the matter.

Since the property has been encroached upon by encroachers, it is the duty of ONGC Limited and the State to make the said property sought to be derequisitioned encroachment and encumbrance free and thereafter hand over the same to the persons who are entitled to get delivery of possession.

As observed hereinbefore that various factual aspects are to be decided apart from the fact that the property in question should be made free from encroachment and encumbrance, this Court feels that an opportunity should be granted to the petitioners to submit a comprehensive representation indicating their entitlement as to the claim for compensation and for delivery of possession. If such representation along with a server copy of this order is submitted, the appropriate authority shall consider and dispose of the same by passing a reasoned order as expeditiously as possible but positively within a period of eight weeks from the receipt of

a representation along with a server copy of this order after affording an opportunity of hearing to the authorized representative of the representationist and communicate the reasoned order to the parties.

The State and the ONGC authorities shall cooperate with each other and make the property free from encroachment in the meantime.

With the above observations and directions, WPA 25432 of 2025 stands disposed of.

There shall be however no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)