

WPA 28215 of 2012

17. 6.2026

sl.4,ct.652.

sk

Maheswar Singh & Ors.. -vs- State of West Bengal & Ors.

Mr. Snehasis Jana
Mrs. Tutun Das
Ms. Ketaki Ghosh
...for the petitioners.

- 1) Land amounting to 43.43 acres of the writ petitioners, was acquired for construction of Subarnarekha Bridge Approach at Kuthighat in Act-II L.A.Case No. 9/79-80 arising out of Act-II L.A.Case No. 25/78-79. The possession of the land was handed over to the requisitioning body on May 24, 1979.
- 2) 80% advance amount of total amount of payment of compensation was made to the land losers.
- 3) However, notification under Section 4(1a) was not published in Kolkata Gazette within the life span of Act-II.
- 4) Later on land acquisition case as above was revived for final payment by

issuance of notices under Section 9(3A) on November 16, 2000. However, the proceeding has never culminated into issuance of Award by the competent authority, within the statutory period of two years. Hence, the proceeding under Section 9(3A) was lapsed, in accordance with law.

- 5) By filing the instant writ petition the petitioners/land losers therefore pray for appropriate relief so that, pursuant to a proceeding afresh, the compensation as stand due and outstanding for acquisition of their land may be disbursed to them.
- 6) In this regard Section (11A) assumes importance which is as follows:-

“11A. Period within which an award shall be made.-(1) The collector shall make an award under section 11 within a period of two years from the date of the publication of the declaration and if no award is made within that period, the

entire proceedings for the acquisition of the land shall lapse:

Provided that in a case where the said declaration has been published before the commencement of the Land Acquisition (Amendment) Act, 1984 (68 of 1984), the award shall be made within a period of two years from such commencement.

Explanation.-In computing the period of two years referred to in this section, the period during which any action or proceeding to be taken in pursuance of the said declaration is stayed by an order of a Court shall be excluded”.

The proviso to Section 11A as incorporated by amendment by the Land Acquisition (West Bengal Amendment) Act, 1997 provides as follows:

“Provided further that in respect of the acquisition of the land referred to in sub-section (3A), and sub-section (3B), of section 9, the award shall be made within a period of two years from the date of the issue of the public notice under section 9”.

- 7) Indisputededly no award of compensation has been made within the statutory period of two years from the

date of notice under Section 9(3A) of the Land Acquisition Act, in case of the present petitioner which has rendered the entire acquisition proceeding as lapsed, in accordance with law.

- 8) Today, when the matter is called on, no one is appearing for the State respondent in spite of due service of notice.
- 9) Affidavit of service is taken on record.
- 10) In view of the facts and circumstances of the case, the matter is taken up for order, in absence of the respondent authorities.
- 11) In view of the facts as discussed above, it is found proper to dispose of the instant writ petition directing the respondent no. 2(a) to initiate fresh land acquisition proceeding of the land of the petitioner as noted above, pursuant to the provisions prevalent under the present legal regime.

12) Such proceeding should be initiated maximum within a period of four weeks from the date of communication of copy of this order for determination and disbursement of the compensation as applicable to the petitioners, in accordance with law.

13) With the directions as above, the present writ petition is disposed of along with pending applications, if any. Interim order, if any, stands vacated.

14. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Rai Chattopadhyay, J.)