

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

26 06.01.2025
Sc Ct. no.2

WPA 25125 OF 2023

Anusree Roy & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Tapan Kumar Rakshit
Mr. Surajit Roy.

.... For the Petitioners

Mr. Soumitra Bandyopadhyay,
Mr. Priyabrata Batabyal.

.... For the Respondent
Nos. 1 to 4

Affidavit-of-service, filed in Court today, is taken on record.

Mr. Tapan Kumar Rakshit, learned counsel appears for the petitioners.

Mr. Soumitra Bandyopadhyay, learned senior State counsel appears for the respondent nos. 1 to 4.

The respondent no.5 is not represented, despite notice.

The principal grievance of the petitioners is that, the land of the petitioners have been acquired but the proportionate compensation has not yet been paid though determined by the State authority. Two plots of land were acquired out of which **R.S. Plot No.1344** was not considered while calculating the compensation by the appropriate State authority. The said plot is

required to be considered while determining the compensation.

In respect of **R.S. Plot No.1345** though the total compensation has already been determined to be **Rs.4,49,117/-** but only a sum of **Rs.2,14,638/-**, a portion of compensation has been paid to the petitioners.

The petitioners therefore claim :

- i) **R.S. Plot No.1344** shall be taken into consideration while calculating the land compensation; and
- ii) the balance compensation in respect of **R.S. Plot No.1345** after deducting the said sum of **Rs.2,14,638/-** from the total compensation of **Rs.4,49,117/-** as would be evident from **Annexure-P5 at page 36** to the writ petition should be paid to the petitioners.

Considering the above, since the respondent no.5 is not represented today, despite notice being the requiring body, the writ petitioners shall serve a notice along with a copy of the writ petition and a copy of today's order upon the respondent no.5 and shall file affidavit-of-service when the matter shall be taken up next.

Learned State counsel, on instruction from his clients, submits that steps have already been taken to determine the compensation by taking into

consideration **R.S. Plot No.1344** as would be evident from the details of the acquisition of land, **Annexure - P1 at page 19** to the writ petition. He further submits that, if any portion of the compensation is left outstanding to be payable to the petitioners, as contended by the petitioners, the same shall also be paid in due course.

Learned State counsel submits a report in support of his submissions. Copy of the said report is taken on record. Copy of the report has also been served upon the learned counsel for the petitioners in Court today.

It is made clear that, when the matter shall be taken up next, the respondent no.5 shall file a report in the form of affidavit through its appropriate authority in the light of the case made out in the writ petition so that the issue can be resolved forthwith.

The petitioners shall be at liberty to file exception in the form of affidavit to the report, filed by the State today, on or before **January 30, 2025**.

The writ petition shall appear under the heading **“For Orders”** on **February 13, 2025**.

(Aniruddha Roy, J.)