

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

20.03.2025

Ct. no.2
Sl. 10
b.r.

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, Ld. Sr. Govt.
Advocate**

Mr. Priyabrata Batabyal

.....For the Respondent nos. 1 to 4

Md. T.M.Siddiqui, Ld. Adv.

Mr. Suddhadev Adak

.... For the private respondent no. 5/WBIDC

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

Mr. Priyabrata Batabyal, learned State Counsel led by Mr. Soumitra Bandyopadhyay, learned Senior Government Advocate appears for the respondent nos. 1 to 4.

Mr. Suddhadev Adak, learned Counsel led by Mr. T.M. Siddiqui, learned Senior Counsel appears for the respondent no. 5/WBIDC.

The previous order dated ***January 6, 2025*** speaks for itself in detail.

The relevant portion from the said order is quoted below:-

“ 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 p-5 at page 36** to the writ petition should be paid to the petitioners.”*

Mr. Priyabrata Batabyal, learned State Advocate led by Mr. Soumitra Bandyopadhyay, learned Senior Government Advocate appearing for respondent nos. 1 to 4 submits, on instruction from his clients that in so far as **R.S. Plot No. 1344** is concerned, a portion of compensation assessed has been paid but the balance has not yet been paid. After going through the detailed calculation, the balance shall be paid to the petitioner.

It is directed therefore that, at the time of calculating the balance amount payable in respect of **R.S. Plot No. 1344** the jurisdictional Special Land Acquisition Officer/ respondent no. 3 shall calculate interest as per direction made by the Land Acquisition Tribunal, Howrah in its order dated **March 30, 2010** passed in **LA Case No. 195 of 2006 at page-24** to the writ petition.

In so far as, the claim of the petitioners mentioned under **Clause-II** above quoted from the order dated **January 6, 2025**, learned counsel for the petitioners submits that they accept the calculation of the State provided in **Annexure P-5 at page-36** to the writ petition. Learned counsel for the State also admits that this was the correct calculation according to them. The petitioners

claim out of the total amount determined at **page-36** to the writ petition, a portion has been paid but the balance has not yet been paid. Such submission of the petitioners is denied by the State.

After considering the rival contentions of the parties and upon perusal of the materials on record, it appears to this Court that only a detailed calculation has to be gone into.

Accordingly, following directions are made:-

- (a) The **respondent no.3** upon issuing a prior hearing notice to the petitioners and respondent no.5 shall first consider the issue with regard to **R.S. Plot No. 1344** as mentioned above by passing a detail reasoned order in the light of the existing land records.
- (b) Then the respondent no.3 shall proceed to consider the claim of the petitioners mentioned in **Clause-II**, as quoted above, from the order dated **January 6, 2025** after granting an opportunity of hearing to the parties and then by passing a reasoned order. The reasoned order must contain the detailed calculation with all facts and figures.
- (c) After calculation, if it is found that any amount is payable to the petitioners in the light of the calculations made in **Page-36** to the writ petition, the respondent no.3 shall calculate the same along with an interest as directed by the

Land Acquisition Tribunal, Howrah in its order dated **March 30, 2010 passed in LA Misc. Case No. 195 of 2006 at page-24** to the writ petition.

- (d) The entire exercise shall be carried out and completed by the respondent no.3 positively within a period of **five weeks** from the date of communication of this order.
- (e) The respondent no.3 then shall file a composite report upon copies being served on learned advocate on record for the petitioners.

The writ petition shall appear under the heading **“For Orders” on May 7, 2025.**

(Aniruddha Roy, J.)