

27.09.2023
Item No.22
Ct. No. 7
KS

W.P.A. 28452 of 2014
With
IA No. CAN 1 of 2023

Sri Taraknath Ganguly & Ors.
Vs.

The Siliguri Jalpaiguri Development Authority & Ors.

Mr. Debashis Kundu
Mr. Soumen Datta
Mr. Rajendra Nath Barik

.....for the Petitioners

Mr. Supratim Dhar

.....for the State

Mr. Raja Saha

.....for the S.J.D.A/respondent nos.1 to 3

1. Reference may be made to the order dated August 10, 2023, wherein it was recorded that in the report in the form of an affidavit filed by Siliguri Jalpaiguri Development Authority (for short, "S.J.D.A.") it has been specifically stated that the land measuring about 0.65 acres out of total 1.85 acres has been utilized by the authority and the same is required to be acquired.
2. Mr. Saha, learned advocate representing the Siliguri-Jalpaiguri Development Authority draws the attention of this Court to page 11 of the said report in the form of an affidavit, wherefrom it appears that the Chief Executive Officer of S.J.D.A. by a Memo dated August 29, 2014 forwarded a proposal to the District Magistrate and Collector, Jalpaiguri for acquisition of land.

3. Mr. Dhar, learned advocate representing the State prays for an accommodation to take instructions as to what steps have been taken by the District Magistrate pursuant to the aforesaid proposal of the Chief Executive Officer of S.J.D.A. dated August 29, 2014.
4. Mr. Kundu, learned advocate representing the petitioner draws the attention of this Court to an order dated August 30, 2016, wherein the submission of the learned counsel representing the S.J.D.A. that the authority will take a decision whether to purchase the land already utilized from the petitioners at market value or to vacate the land already utilized after removing the structures standing thereupon will be taken.
5. The competent authority of the S.J.D.A. is directed to file a report in the form of an affidavit on or before the next date of hearing upon prior service of the copy of the same to the learned advocate for the petitioners and the State as to the decision taken by the authority in terms of the aforesaid order of the Co-ordinate Bench dated August 30, 2016.
6. List this matter on 6th October, 2023 under the heading “Returnable Matters”.

(Hiranmay Bhattacharyya, J.)