

01.08.2024
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AN/Ct. No.07

**WPA 28452 of 2014
IA No.: CAN 1 of 2023**

**Sri Taraknath Ganguly & ors.
versus
The Siliguri Jalpaiguri Development Authority & ors.**

Mr. Debashis Kundu, Id. Sr. Adv.
Mr. Saumyen Datta
Mr. Rajendra Nath Barik

... for the petitioners

Mr. Naba Kumar Das
Mr. Pathik Bandhu Banerjee

... for the SJDA

Mr. Supratim Dhar

... for the State

The Siliguri Jalpaiguri Development Authority (in short, the SJDA) in its affidavit affirmed on 11.08.2016 specifically stated in paragraph 7 thereof that the balance land measuring 0.65 acres out of 1.85 acres since been utilized by the SJDA requires to be acquired and a compensation to be paid to the petitioners in terms of the order passed in earlier writ petition.

It has been further stated in the said paragraph that the SJDA vide memo dated 29.08.2014 gave a proposal to the District Magistrate and the Collector, Jalpaiguri requesting him to initiate the proceedings for acquisition of the said land of 0.65 acres.

Mr. Dhar, learned counsel representing the State hands over a bunch of documents which are taken on

record. It appears from the memo dated 09.07.2024 that the SJDA was asked to apply to the appropriate authority under the purchase policy of the Government as per the memo no. 3145-LP/IA-03/14 dated 24.11.2014. However, a report filed by Mr. Das, learned counsel representing the SJDA does not deal with that aspect of the matter. The report dated 24.07.2024 only speaks of the procedures to be adopted for release of payment and nothing more than that.

The purpose behind calling for the report was to get a clear view of the stand of the SJDA with regard to 0.65 acres of land which has been utilized by them unauthorisedly without initiating any proceedings for acquisition and/or requisition of the said land.

It is well settled that a citizen cannot be deprived of its property without paying adequate compensation. A statutory authority after utilizing the property is now trying to take shelter under different procedures to be adopted for release of payment. Such stand of the SJDA is not appreciated by this Court. However, on the prayer of Mr. Das, a last opportunity is given to the SJDA to file a report after taking into consideration the memo dated 09.07.2024 which has been submitted by Mr. Dhar in Court today.

Let such affidavit be filed peremptorily on or before 08.08.2024. Mr. Dhar is directed to share a copy of the memo dated 09.07.2024 alongwith the annexures to

the learned counsel representing other parties through e-mail at the e-mail addresses of the learned advocate on records for the respective parties.

List the matter on 08.08.2024 under the same heading for further consideration.

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(Hiranmay Bhattacharyya, J.)