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Ct. No. 2

Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction
(Via Video Conference)

W.P.A. 558 of 2021
Md. Alim
-Versus-
The State of West Bengal & Ors.

Mr. Ayan Banerjee
Mr. Deborshi Dhar **...For the Petitioner**

Mr. Subir Kumar Ghosh
Mr. Momenur Rahman **...For the State Respondents**

Mr. Tapan Bhattacharjee
Mr. Bikramadity Ghosh **...For Respondents SJDA**

Learned Counsel for the petitioner seeks leave to file supplementary affidavit. Such leave is granted. Supplementary affidavit filed in Court today be kept with the record.

The case of the petitioner is that certain lands were acquired by the State under the Land Acquisition Act, 1894 wherein the requiring body was the respondent No. 6, being the Siliguri Jalpaiguri Development Authority (SJDA).

Mr. Ayan Banerjee, learned Counsel appearing on behalf of the petitioner submits that these lands were not even in the notification issued under Section 4 of the Land Acquisition Act. Apart from these arguments, he has raised two other grounds.

I have also heard Mr. Bikramaditya Ghosh, learned Counsel appearing on behalf of the respondent No. 6, who submits that the land is presently lying vacant. He, however, submits affidavit is required to be filed by him to clarify the entire allegations made in the

writ petition. He also submits that there is no question of transferring of these lands by the SJDA to any other third party at this particular moment.

In the light of the above, direction for filing of affidavits are given.

The respondents are directed to file affidavit-in-opposition within a period of four weeks from date, reply thereto, if any be filed within two weeks thereafter.

Let the matter be placed before the next available Circuit Bench.

Upon considering the materials placed on record I am of the view that an order of status quo is required to be passed as any transfer by the SJDA to any other third party would make the writ petition infructuous. The balance of convenience is in favour of the writ petitioner.

Accordingly, the SJDA is restrained from transferring these lands to any other third party for a period of two months from date.

Urgent photostat certified copy of this order, if applied for, be given to the parties, on priority basis.

(Shekhar B. Saraf, J.)