

09
March 19, 2021.
AKG

**CALCUTTA HIGH COURT
In the Circuit Bench at Jalpaiguri**

WPA 670 of 2021

(Through Video Conference)

**Nur Ali @ Md. Nur Ali @ Nur Ali Md
-vs.-
The State of West Bengal & Ors.**

Mr. Ayan Banerjee,
Mr. Arindam Mitra,
Mr. Deborshi Dhar

....for the Petitioner.

Mr. Tapan Bhattacharjee,
Mr. Bikramaditya Ghosh.

...for the S.J.D.A.

Mr. Ayan Banerjee, learned advocate appearing for the petitioner submits that the possession of the relevant land was taken by the State under Land Acquisition Act, 1894.

It is the case of the petitioner that the land in question has not been utilised by the requiring body and is lying vacant.

It has been argued by Mr. Banerjee that the acquisition proceeding has lapsed under the Act of 1894, and the petitioner is entitled to get compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Mr. Bikramaditya Ghosh, learned advocate appearing for the requiring body, SJDA submits that he requires instruction with regard to the payment of compensation to the petitioner. He seeks time to file affidavit-in-opposition.

The possession of the land in question has been taken by the requiring body following the acquisition proceeding. Prima facie, the petitioner is entitled to get compensation for acquisition of his land. The requiring body, however, should not be restrained from using the land for the purpose for which the acquisition was made.

The matter should be heard on exchange of affidavits. Let the affidavit-in-opposition be filed within four weeks and reply thereto, if any, be filed within two weeks thereafter.

Let this matter appear after six weeks for hearing.

(Kausik Chanda, J.)