

D/L
Item No. 22
29.04.2022
KOLE

FMA 810 of 2021
With
IA No. CAN 2 of 2018 (Old No. 1418 of 2018)
The State of West Bengal & Ors.
-Vs.-
Sekh Mariyam & Ors.

Mr. Amitesh Banerjee, Ld. Sr. St. Counsel,
Mr. T. Karan,

...for the appellants/State.

Mr. Amit Kumar Pan,
Mrs. T. Santra,

...for the respondents.

This appeal is preferred against a judgment and order dated July 25, 2017, whereby WP No. 13228 (W) of 2016 was disposed of by directing the Collector, South 24 Parganas, to initiate fresh land acquisition proceedings in connection with the land of the writ petitioners under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, within a period of six months from the date of communication of the order. The learned Judge recorded the submission of the State that the State is willing to purchase the land of the writ petitioners on the basis of prevailing market rate.

Before us the State, which is the appellant, says that certain very material facts could not be placed before the Learned Single Judge. The brother of the present writ petitioners/respondents had filed a writ petition claiming compensation in respect of the same plot of land. An order

was passed on such writ petition for payment of compensation to that writ petitioner. Pursuant to such order an amount of approximately Rs. 96 lacs had been deposited with the office of the Learned Registrar General of this Court. Subsequently, leave was granted to that writ petitioner to withdraw such money. The State says that this is a dishonest writ application made by the sisters of that writ petitioner in respect of the same plot of land.

Mr. Pan, learned Advocate, appearing for the writ petitioners/respondents strongly disputes the aforesaid submissions made on behalf of the State.

We are not inclined to go into the veracity or otherwise of the submissions made before us on behalf of the State. These statements were not made before the learned Single Judge. It will be unfair on our part to interfere with the order impugned since the alleged facts that the State now seeks to bring on record, were not there before the Learned Single Judge.

We, accordingly, dispose of this appeal by granting liberty to the State/appellants to approach the learned Single Judge with a review or recalling application as the State may be advised bringing all material facts on record.

The appeal and the connected application are, accordingly, disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Kausik Chanda, J.)

(Arijit Banerjee, J.)