

Form J(2)

**IN THE HIGH COURT AT CALCUTTA  
Constitutional Writ Jurisdiction  
Appellate Side**

**Present :  
The Hon'ble Justice Bibek Chaudhuri**

**WPA 11008 of 2015**

**Mithu Sk. & Ors.**

**Vs.**

**The State of West Bengal and Ors.**

**For petitioner : Mr. Parashar Baidya  
Mr. Biswajit Sarkar**

**For the Union of India : Mr. Debapriya Gupta**

**For the State : Mr. Lalit Mohan Mahata  
Mr. Ziaul Haque**

**Item No. 76**

**Heard & Judgement on : 11.10.2023**

**Bibek Chaudhuri, J.**

The instant writ petition is pending for eight years.

It is the case of the petitioner that the State Government has allegedly acquired the subject land of the petitioner but failed to pay any compensation till date to them. It is also contended on behalf of

the petitioners that in the meantime, the subject land was transferred to the requiring agency i.e., Border Security Force.

Mr. L. M. Mahata, learned advocate for the State, on the other hand, submits that the subject land was not acquired at any point of time by the State Government. The State Government has no record as to how BSF came to be in possession of the said property.

During the pendency of this suit the parties have arrived at a settlement. BSF Authority has agreed to purchase the subject land from the petitioners.

It is submitted by the learned advocate for the Union of India that BSF has already deposited the consideration price amounting to Rs.1,15,93,459/- (Rupees one crore fifteen lakhs ninety three thousand four hundred fifty nine only). The said money is lying with the State Government under the custody of Special Land Acquisition Officer, Murshidabad.

Under the above facts and circumstances, and in view of the fact that the petitioners are ready to sell out the said subject land at Rs.1,15,93,459/- (Rupees one crore fifteen lakhs ninety three thousand four hundred fifty nine only), the Special Land Acquisition Officer, Murshidabad is directed to return the said money to the DIG, BSF, Sector Headquarter, Berhampore.

The petitioner is directed to execute the sale deed in respect of the subject land within six weeks from the date of communication of this order in favour of DIG, BSF, Sector Headquarter, Berhampore who will directly make payment of the consideration price to the petitioners on the date of execution of the sale deed.

The parties are at liberty to act on the server copy of this order.

**(Bibek Chaudhuri, J.)**