

RITA PATRA

Advocate

Bar Association, Room No. 16,
HIGH COURT, CALCUTTA.

Mob. : 7432032407

Date : 20.07.2018

To

✓ The Special Land Acquisition Officer, Birbhum
and Competent Authority of Land Acquisition, Birbhum
for National Highways entrusted to State P.W.D.,
West Bengal, Birbhum,
P.O.- Suri, District-Birbhum, PIN- 731101.

In Re. : W.P. No. 12650 (W) of 2018

Hossen Ansari @ Hosen Ansari @
Ansari Hossen & Anr.

- Vs. -

The State of West Bengal & Ors.

Dear Sir,

Enclosed please find herewith copy of the Writ Petition along with all annexure in the abovenoted matter. Please note that the said petition will be appeared before His Lordship, The Hon'ble Justice Harish Tandon on 24.07.2018 as and when the business of the Hon'ble Court permits.

I shall mention the matter on 24.07.2018 or soon thereafter for upgradation of the matter.

This is for your information and necessary action.

Thanking you,

Yours faithfully,

Rita Patra

Advocate

Enclo. : As above.



Q. No - 939/2A
24/7/18

DISTRICT: BIRBHUM.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(APPELLATE SIDE)

W.P. NO. 12650 (W) of 2018

Subject matter relating to:

The National Highway Act, 1956.

Under Group: I Head: (M)

Of the classification list.

CAUSE TITLE

Hossen Ansari @ Hosen Ansari @
Ansari Hossen & Anr.

.....Petitioners

- Versus -

The State of West Bengal & ors

.....Respondents

Advocate on record :

Rita Patra

RITA PATRA

Advocate,

Bar Association Room No. 16,
High Court, Calcutta.

DISTRICT: BIRBHUM.

IN THE HIGH COURT AT CALCUTTA
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W.P. NO. 12650 (W) of 2018

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Hossen Ansari @ Hosen Ansari @
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.....Petitioners

- Versus -

The State of West Bengal & ors

.....Respondents

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LIST OF DATES

21.06.2017

: The respondent authority issued general notices to the petitioners requesting to deposit required documents for the purpose of payment of compensation.

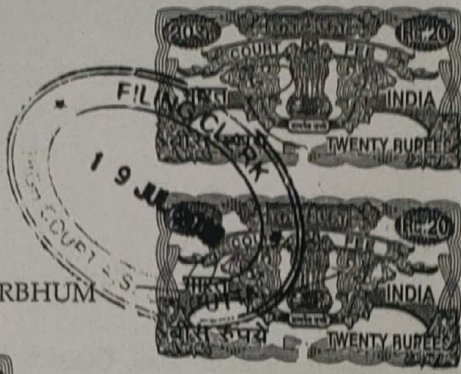
08.02.2018

: The respondent No.3 issued payment notice dated 08.02.2018 in respect of L.A. Case No. 04/2016-17 requesting the petitioner to appear on 20.02.2018 for verification and for payment on 09.03.2018 notice dated 14.03.2018 issued requesting to appear on 15.05.2018 for verification and payment in connection with acquisition of land for 'Construction of ROB and its approaches in lieu of Level Crossing No.21/SPL/E at KM. 338.000 of NH-60 in the District of Birbhum, West Bengal.

LAW POINTS INVOLVED.

- I. Whether the petitioners are duty bound to describe and/or to give brief description of the land in the official Gazette by way of notification which they intend to acquire.
- II. Whether the respondents are duty bound to make measurement and mark such level lines placing marks into the plot of land which they intend to acquire and for which acquisition they have issued payment notices.
- III. Whether the respondents are duty bound to make further enquiry after hearing the objections of the petitioners and pass necessary order for shifting of the demarcation mark / pillar to the extend for which they have issued payment notices.

DISTRICT : BIRBHUM



Through:
Rik Pater
Adv.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(APPELLATE SIDE)

W.P. NO. 12650 (W) of 2018

In the matter of:

An application under article 226 of the
constitution of India.

-AND -

In the matter of:

1) Hossen Ansari @ Hosen Ansari
@ Ansari Hossen, son of Late Amirali
Ansari;

2) Honjan Bibi @ Hafijan Bibi, wife
of Hossain Ansari;

- both are of Rabindrapally,
Kankarkhad, Post Office- Suri, Police

25141(2)

Station- Suri, District- Birbhum, PIN-

731101.

..... Petitioners

- Versus -

1. The State of West Bengal,
service through the Secretary,
Department of Land and Land
Reforms, 'NABANNA', 325, Sarat
Cahatterjee Road, Shibpur, Howrah-
711102.
2. The District Magistrate &
Collector, Birbhum, office at
Administrative Building, Suri Main
Road, P.O.- Suri, District- Birbhum,
PIN- 731101.
3. The Special Land Acquisition
Officer, Birbhum and Competent
Authority of Land Acquisition,

Birbhum for National Highways
entrusted to State P.W.D., West
Bengal, Birbhum, P.O.- Suri, District-
Birbhum, PIN- 731101.

4. The Executive Engineer PIU,
ROB, West Zone-2, P.W. (Road's)
Directorate, Sarak Bhavan, Suri,
District- Birbhum, PIN- 731101.

5. The Officer-in-Charge, Suri
Police Station, P.O.- Suri, District-
Birbhum, PIN- 731101.

..... Respondents

To

The Hon'ble Jyotirmay Bhattacharya, Chief Justice and His Companion
justices of the said Hon'ble Court;

The humble petition of the petitioners
above named most respectfully:

SHEWETH:

1. That the petitioners are law abiding citizens of India and resides at the addresses as given in the cause title.

2. That your petitioners state that the respondent authority initiated acquisition proceedings for construction of ROB and its approaches in lieu of Level crossing No.21/SPL/E at KM 338.000 of NH-60 in the District of Birbhum, West Bengal wherein certain plot of land with structure of the petitioners were intended to be acquired for such prupose.

Photocopies of the L.R. Records of Right is annexed hereto and marked as Annexure- 'P-1'.

Your petitioners crave leave to produce the Deed at the time of hearing, if necessary.

3. That your petitioner states that on 21.06.2017 the respondent authority issued general notices to the petitioners requesting to deposit required documents for the purpose of payment of compensation.

Photocopies of general notices dated 21.06.2017 are annexed hereto and collectively marked with Annexure- 'P-2'.

6. That all on a sudden the petitioners found that the respondent authority had shifted the symbolic pillar / mark by encroaching into the pucca structure of the petitioners more than 22 feet than the actual acquired plot of land.
7. That the petitioners immediately protest before the respondent authority praying for legal action in accordance with law.
8. That your petitioners several occasion approached before the office of the respondent authority particularly the respondent no. 3 and 4 to know why illegally they are encroaching more than 22 feet land with structure from the actual acquired plot of land of the petitioners, but the respondent authority maintained deceptive silence over the issue.
9. That it is stated and submitted that the respondent authority can not forcefully shifted the symbolic pillar / mark by encroaching more than 22 feet than the actual acquired plot of land of existing pucca structure of the petitioners without following the due process of law.

10. That being highly aggrieved by and dissatisfied with the action on the part of the respondent authority as stated above, your petitioners beg to move the instant writ application on following grounds amongst others :-

· G R O U N D S

- I. For that the petitioners are owners of the plot of lands, their names were recorded in the relevant record of right and they are in peaceful possession of the said lands respectively.
- II. For that the respondent authority particularly the respondent no. 3 and 4 is taking step for construction of a ROB in the District of Birbhum wherein excess plot of lands of the petitioner was demarcated by the respondents as acquired plot of land than the actual acquired plot of land.
- III. For that the petitioners immediately thereafter have protested before the respondent authority praying for shifting the symbolic pillar, but no steps taken by the respondent to shift the symbolic pillar.

IV. For that the respondent authority can not forcefully shift the symbolic pillar by encroaching more than 22 feet than the actual acquired plot of land of the petitioners as described in the notification as well as in the payment notices.

11. That there is no other alternative legal efficacious and speedy remedy than to move a writ application under Article 226 of the Constitution of India and seek appropriate relief. The remedy sought for if granted would be full adequate and complete.

12. There are no laches on the part of the petitioners in moving the instant petition and the balance of convenience and/or inconveniences is in favour of passing of the order, as prayed for herein by the petitioners.

13. That at the present moment making demand of justice would be nothing but ideal and empty formality.

14. The petitioners have not moved any other application on the selfsame grounds and/or selfsame cause of action before this Hon'ble Court or any other Court.

15. That the record of this case is lying within the jurisdiction of this Hon'ble Court.

16. This application is made bonafide and for the ends of justice.

In the circumstances, your petitioners humbly pray that your Lordships would graciously be pleased to pass the following orders:

a) A writ of or in the nature of Mandamus do issue commanding the respondents, their agents, servants, subordinates, employees and/or assignees, particularly the respondent no. 3 and 4 to shift the symbolic pillar / mark to extent of acquired plot of land describing into the notification as well as in the payment notice issued to the petitioners by the respondent authority;

b) A writ of or in the nature of Certiorari do issue calling upon the respondents and each of them to certify and transmit to this court the original records of the case before this Hon'ble Court so that conscionable justice may rendered to the petitioners;

c) A writ of or in the nature of Prohibition do issue prohibiting the respondents and each of them either by themselves or through their men, agents, assigns, subordinates from exercising further not warranted under the statute.

d) Rule of NISI in terms of prayers

(a) to (c) as above;

e) If no cause or insufficient causes are shown Rule be made absolute;

f) An interim order of injunction restraining the respondents from make any changes of the nature and character of the land of petitioners which was not acquired the respondent authorities till disposal of the writ application;

g) And pass such other further order or orders as to Your Lordship may seems fit and proper.

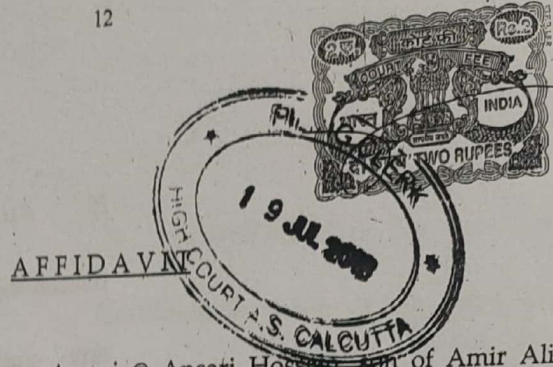
And your Petitioners, as in duty bound, shall ever pray.

सुनील आनसारी

Certify that the petitioner No.1 is authorized by petitioner No. 2 to sign and affirm the affidavit on their behalf.

Rita Patra

Advocate



I, Hossen Ansari @ Hosen Ansari @ Ansari Hossain, son of Amir Ali Ansari, aged about 52 years, by faith- Muslim, by occupation- Business, residing at Rabindrapally, Kankarkhad, Post Office- Suri, Police Station- Suri, District- Birbhum, PIN- 731101, do hereby solemnly affirm and say as follows:-

1. That I am the petitioner No.1 in the instant writ application and I am well acquainted with the facts and circumstances of the case. I am competent and duly authorized by the petitioner No.2 to affirm this affidavit.
2. That the statement made in paragraphs 1, 5 to 10, 13, 14 and 15 of this writ petition are true to my knowledge, those made in paragraphs 2, 3, 4 are derived from records, which I verily believe to be true and the rests are my humble submissions before this Hon'ble Court.

हुसैन आनसारी

Prepared in my office.

The deponent is known to me.

Rita Patra
Advocate

Clerk to :-

Advocate

I certify that all annexure are legible

Rita Patra
Advocate

Solemnly affirmed before me on
this the 19th day of July, 2018.

COMMISSIONER

13-

Annexure. P1

পশ্চিমবঙ্গ সরকার
সমষ্টি ভূমি ও ভূমি সংস্কার আধিকারিকের করণ
-দাগের তথ্য-

সমষ্টি নং	১৩৫৯	ব্লক- সিউড়ী-১	[০৩১৭০৯৭]
সমষ্টি-এককসংখ্যা		জে.এল.নং- ৯৭	খানা- সিউড়ী
সমষ্টি-২ নং		শ্রেণী- বাইদ	জমির পরিমাণ(এ)- ১.৫৫০০
সমষ্টি-৩ নং			

খতিয়ান নং	শ্রেণী	অংশ	অংশ পরিমাণ(এ)	নামভের/লেসীর বিবরণ	মতব্য
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১৩৫৯

৩৮০৭

বাইদ

০.০৩২২

০.০৫০০

শ্রীমতী শীলা গুপ্ত
যোগীন্দ্র গুপ্ত
মাং-সিউড়ী, সাজানোপল্লী



১৩৬০

বাইদ

০.০২৮২

০.০৪৩৮

নুরুলহার বিবি
সেখ আব্বাসউদ্দিন
মাং-ঘুড়িয়া, খালা-ইলামবাজার

Annexure..... P1
in paragraph..... 21
foregoing Petition affirmed
by..... H. Anami
on this..... 19.6.11 Day of..... July 2018

Commissioner of Affidavit,
High Court, Appellate Side,
Calcutta

৪১২৪

বাইদ

০.০৩৮৬

০.০৫৯৮

সুব্রত ঘাটা
হরেন্দ্র ঘাটা
মাং-বিকোটিপি কোয়ার্টার নং বি/৫৪/০৫

৪১৬৬

বাইদ

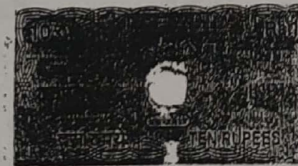
০.০০৭৭

০.০১২০

হোসেন আনসারী
আমীর আলী আনসারী
মাং-রবীন্দ্রপল্লী

১.০০০০ ১.৫৫

13.07.18
Officer-In-Charge
Under S.L. & L.R.O. Suri-1
Authorized under Section 76
of Indian Evidence Act 1972
(Act-1 of 1972)



Fees Received :: Application Fee : Rs. ১০.০০, Authentication Fee : Rs. ১০.০০, Total fee : Rs. ২০.০০ , Copy No.: ৭৫৪১

Page ৮ of ৮

১৩/০৭/২০১৭

Annexure P2

14-14-

সাধারণ নোটিশ

শ্রী হোনজান বিবি

পিতা- হোসেন আনসারী

সাং আব্দারপুর

পোঃ সিউড়ী

জেলা - বীরভূম

বিষয় :- এল. এ. কেস নং ০৪/২০১৬-১৭

এতদ্বারা আপনার অবগতির জন্য জানানো যায় যে উপরোক্ত কেসে নিম্ন তপশীল ভুক্ত জমি অধিগ্রহণ সংক্রান্ত বিষয়ে আগামী ইং তারিখ ৩০শে জুন বেলা ১১.০০ স্থানীয় সমষ্টি উন্নয়ন আধিকারিকের করণ (B.D.O), সিউড়ী-১, বীরভূম অফিসে শুনানী গ্রহন সহ নিষ্পত্তির জন্য অত্র অফিসের বিশেষ শিবির অনুষ্ঠিত হইবে।

উক্ত বিষয়ে আপনার কোনরূপ বক্তব্য থাকিলে সংশ্লিষ্ট নথি (ক্রয়-বিক্রয় দলিল, উত্তরাধিকার সংক্রান্ত বা অন্যান্য) সহ ধার্য দিনে উপস্থিত হইয়া সহযোগিতা করিবেন,

ইহা অত্যন্ত জরুরী।

পুনরায়, অনুরোধ জানানো যায় যে জমির ক্ষতিপূরণ অর্থপ্রদানের সুবিধার্থে সংশ্লিষ্ট প্রাপকের নাম সহ ব্যাঙ্ক অ্যাকাউন্ট নম্বর, আইএফএসসি কোড নং (IFSC Code No), সচিব পরিচয় পত্র, প্যান কার্ড (PAN Card) ও আধার কার্ড (AADHAR Card) সমূহ তথ্যাদি জমা দিয়া সহযোগিতা করিবেন।

তপশীল :-

জেলা- বীরভূম

থানা- সিউড়ী

মৌজা- আব্দারপুর

জে. এল. নং- ৯৭

খতিয়ান নং- ২৫৮/৪

দাগ নং- ৫৪৭

পরিমান- .৫৩

অংশ- .০১০৪

Annexure.....P2
to in paragraph.....13
foregoing Petition affirmed
by.....H. Anwar
on this.....19.6.17 Day of June 2017

Commissioner of Affidavit
High Court, Appellate Side,
Calcutta

বিশিষ্ট ভূমি অধিগ্রহণ আধিকারিক, বীরভূম
জাতীয় সড়ক আইনে জমি অধিগ্রহণের উপযুক্ত কর্তৃ

২/৬

সাধারণ নোটিশ

হোসেন আনসারী

পিতা- আমির আলী আনসারী

সাংকাঁকড়খাদ

পোঃসিউড়ী

জেলা - বীরভূম

বিষয় :- এল. এ. কেস নং ০৪/২০১৬-১৭

এতদ্বারা আপনার অবগতির জন্য জানানো যায় যে উপরোক্ত কেসে নিম্ন তপশীল ভুক্ত অধিগ্রহণ সংক্রান্ত বিষয়ে আগামী ইং তারিখ ২৯শে জুন বেলা ১১.০০ স্থানীয় সমষ্টি উঃ আধিকারিকের করণ (B.D.O), সিউড়ী-১, বীরভূম অফিসে শুনানী গ্রহন সহ নিষ্পত্তির জন্য অফিসের বিশেষ শিবির অনুষ্ঠিত হইবে।

উক্ত বিষয়ে আপনার কোনরূপ বক্তব্য থাকিলে সংশ্লিষ্ট নথি (ক্রয়-বিক্রয় দলিল, উত্তরাধি সংক্রান্ত বা অনান্য) সহ ধার্য দিনে উপস্থিত হইয়া সহযোগিতা করিবেন,

ইহা অত্যন্ত জরুরী।

পুনরায়, অনুরোধ জানানো যায় যে জমির ক্ষতিপূরণ অর্থপ্রদানের সুবিধার্থে সংশ্লিষ্ট প্রাপকের নাম ব্যাঙ্ক অ্যাকাউন্ট নম্বর, আই.এফ.এস.সি. কোড নং (IFSC Code No), সচিব পরিচয় পত্র, প্যা. কার্ড (PAN Card) ও আধার কার্ড (AADHAR Card) সমূহ তথ্যাদি জমা দিয়া সহযোগিতা করিবেন।

তপশীল :-

জেলা-বীরভূম

খতিয়ান নং-৫১৯

থানা-সিউড়ী

দাগ নং-৫৮

মৌজা-অমৃতপুর

পরিমাণ (৬) ০.২০

জে. এল. নং-৯৫

অংশ-.০৫০২

বিশিষ্ট ভূমি অধিগ্রহণ আধিকারিক, বীরভূম
জাতীয় সড়ক আইনে জমি অধিগ্রহণের উপযুক্ত কর্তৃপক্ষ, ১৯৫৭

২১/৬



GOVERNMENT OF WEST BENGAL
OFFICE OF THE SPECIAL LAND ACQUISITION OFFICER, BIRBHUM
SURI, BIRBHUM

Email: spulso@birbhumi@gmail.com

03462-255424

21/11/18 186/LA

Dated: Suri, the 08/02/2018

Payment Notice

To:
Hossen Ansari
S/o- Amir Ali Anshari
Rabindrapally, Suri

Signature..... P3
in paragraph..... 4
foregoing Petition affirmed
by..... H. Ansari
on this..... 19.02.2018 Day of..... July 2018

Commissioner of Affidavit
High Court, Appellate Side,
Calcutta

In respect to L.A. Case No. 04/2016-17 you are requested to appear before the undersigned at the Office of the Special Land Acquisition Officer, Birbhum, 2nd floor, Prashashan Bhaban (Administrative Building), Suri, Birbhum for verification on 20/02/2018 & for payment on 09/03/2018 in connection with the acquisition of land for 'Construction of ROB and its approaches in lieu of Level Crossing No. 338.000 of NH-60 in the district of Birbhum, West Bengal'.

You should bring the documents i.e. Voter Card, PAN Card, AADHAAR Card, Bank Account Pass Book, Revenue Stamp with original and Xerox copies on 20/02/2018 and appear with the pradhan / member councillor/ authorized person as identifier for identification on 09.03.2018 i.e. on the date of payment.

Land Schedule

Mouza:- Abdarpur, J.L. No: - 97 P.S. - Suri Dist. - Birbhum.

Award Serial No.	Plot No.	Classification	Acquired Area (In Acre)	Share	Rate per Acre(Rs)	Payable Amount (Rs)
53	547	Baid	0.53	0.0077	1589000.00	13748.00

[Signature]
Special Land Acquisition Officer, Birbhum

&
Competent Authority of Land Acquisition, Birbhum
For National Highways entrusted to state PWD, W.B, Birbhum



GOVERNMENT OF WEST BENGAL
OFFICE OF THE SPECIAL LAND ACQUISITION OFFICER, BIRBHUM
SURI, BIRBHUM

email: spllaohirbhum@gmail.com

03462-255424

Memo No:- 1784/LA

Dated: Suri, the 14th March, 2018

Payment Notice

To:
HOSEN ANSARI
S/o Amir Ali Ansari
of Rabindrapally, Suri

In respect to L.A. Case No. 04/2016-17 you are requested to appear before the undersigned at the Office of the Special Land Acquisition Officer, Birbhum, 2nd floor, Prashashan Bhaban (Administrative Building), Suri, Birbhum for verification & Payment on 15/03/2018 in connection with acquisition of land for 'Construction of ROB and its approaches in lieu of Level Crossing No. 21/SPL/E at km 338.000 of NH-60 in the district of Birbhum, West Bengal'

He /She should bring the documents i.e. Voter Card, PAN Card, AADHAAR Card, Bank Account Pass Book, Revenue Stamp with original and Xerox copies on 15/03/2018 at 11:00 A.M.

Land Schedule

Mouza:- Abdarpur, J.L. No:- 97 P.S. - Suri Dist. - Birbhum.

Award Sl. no.	Plot No	Payable Amount (Rs.) for structural portion
276	547	Rs. 116904.00

Special Land Acquisition Officer, Birbhum

&

As Competent Authority of Land Acquisition, Birbhum
For National Highways entrusted to state of PWD, W.B., Birbhum

14/3/18



GOVERNMENT OF WEST BENGAL
OFFICE OF THE SPECIAL LAND ACQUISITION OFFICER, BIRBHUM
SURI, BIRBHUM

Email: splla.birbhum@gmail.com

03462-255424

Memo No: 1785/LA

Dated: Suri, the 14th March, 2018

Payment Notice

To:
HOSEN ANSARI
S/o Amir Ali Ansari
of Rabindrapally, Suri

In respect to L.A. Case No. 04/2016-17 you are requested to appear before the undersigned at the Office of the Special Land Acquisition Officer, Birbhum, 2nd floor, Prashashan Bhaban (Administrative Building), Suri, Birbhum for verification & Payment on 15/03/2018 in connection with acquisition of land for 'Construction of ROB and its approaches in lieu of Level Crossing No. 21/SPL/E at km 338.000 of NH-60 in the district of Birbhum, West Bengal'.

He /She should bring the documents i.e. Voter Card, PAN Card, AADHAAR Card, Bank Account Pass Book, Revenue Stamp with original and Xerox copies on 15/03/2018 at 11:00 A.M.

Land Schedule

Mouza:- Abdarpur, J.L. No:-97 P.S. - Suri Dist. - Birbhum.

Award Sl. no.	Plot No	Payable Amount (`) for structural portion
277	547	Rs. 190892.00

Special Land Acquisition Officer, Birbhum
&

As Competent Authority of Land Acquisition, Birbhum
For National Highways entrusted to state of PWD, W.B., Birbhum

14/3/18



- 19 -

GOVERNMENT OF WEST BENGAL
OFFICE OF THE SPECIAL LAND ACQUISITION OFFICER, BIRBHUM
SURI, BIRBHUM

Email: sp/la/birbhum@gmail.com

03462-255424

Memo No:- 1786/LA

Dated: Suri, the 14th March, 2018

Payment Notice

To:
HOSEN ANSARI
S/o Amir Ali Ansari
of Rabindrapally, Suri

In respect to L.A. Case No. 04/2016-17 you are requested to appear before the undersigned at the Office of the Special Land Acquisition Officer, Birbhum, 2nd floor, Prashashan Bhaban (Administrative Building), Suri, Birbhum for verification & Payment on 15/03/2018 in connection with acquisition of land for 'Construction of ROB and its approaches in lieu of Level Crossing No. 21/SPL/E at km 338.000 of NH-60 in the district of Birbhum, West Bengal'.

He /She should bring the documents i.e. Voter Card, PAN Card, AADHAAR Card, Bank Account Pass Book, Revenue Stamp with original and Xerox copies on 15/03/2018 at 11:00 A.M.

Land Schedule

Mouza:- Abdarpur, J.L. No:- 97 P.S. - Suri Dist. - Birbhum.

Award Sl. no.	Plot No	Payable Amount (`) for structural portion
278	547	Rs:- 123276.00

[Signature]
Special Land Acquisition Officer, Birbhum

&
As Competent Authority of Land Acquisition, Birbhum
For National Highways entrusted to state of PWD, W.B., Birbhum

[Signature]
14/3/18



20-

GOVERNMENT OF WEST BENGAL
OFFICE OF THE SPECIAL LAND ACQUISITION OFFICER, BIRBHUM
SURI, BIRBHUM

Email: spllaobirbhum@gmail.com

03462-255424

Memo No:- ~~162/1-A~~ 174/LA

Dated: Suri, the 08 / 02 / 2018

Payment Notice

To:
Honjan Bibi
W/o-Hossain Ansari
Abdarpur

In respect to L.A. Case No. 04/2016-17 you are requested to appear before the undersigned at the Office of the Special Land Acquisition Officer, Birbhum, 2nd floor, Prashashan Bhaban (Administrative Building), Suri, Birbhum for verification on 20/02/2018 & for payment on 09/03/2018 in connection with acquisition of land for 'Construction of ROB and its approaches in lieu of Level Crossing No. 21/SPL/E at km 338.000 of NH-60 in the district of Birbhum, West Bengal'.

He /She should bring the documents i.e. Voter Card, PAN Card, AADHAAR Card, Bank Account Pass Book. Revenue Stamp with original and Xerox copies on 20/02/2018 and appear with the prodhan / member/ councillor/ authorized person as identifier for identification on 09.03.2018 i.e. on the date of payment.

Land Schedule

Mouza:- Abdarpur, J.L. No: - 97 P.S. - Suri Dist. - Birbhum.

Award Serial No.	Plot No	Classification	Acquired Area (In Acre)	Share	Rate per Acre(Rs)	Payable Amount (Rs)
41	547	Baid	0.53	0.0103	1589000.00	18389.00

[Signature] 08/2/18
Special Land Acquisition Officer, Birbhum
&

Competent Authority of Land Acquisition, Birbhum
For National Highways entrusted to state PWD, W.B, Birbhum

*checked
for
08/02/18*

DISTRICT: BIRBHUM

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P. NO. 12650 (W) OF 2018

In the matter of:

An application under article 226 of the
constitution of India.

AND

In the matter of:

Hossen Ansari @ Hosen Ansari @ Ansari
Hossen & Anr.

.....Petitioners

Versus

The State of West Bengal & Ors.

.....Respondents

WRIT APPLICATION

Advocate on record:

RITA PATRA
Advocate,
Bar Association, Room No. 16,
High Court, Calcutta.



GOVERNMENT OF WEST BENGAL
OFFICE OF THE SPECIAL LAND ACQUISITION OFFICER, BIRBHUM
SURI, BIRBHUM.

Email: spllaobirbhum@gmail.com

☎ 03462-255424

Memo No. 3065 / LA / LAW
To
The Ld. Government Pleader
Kolkata High Court

Date: 26/7/2018

Sub: Engagement of **State Advocate** in respect of **W.P. No. 12650 (w) of 2018** in the matter of Hossen Ansari @ Hosen Ansari @ Ansari Hosen & Anr. – vs – The State of West Bengal & Ors.

Respected Sir,

Enclosed please find herewith the letter dated 20.07.2018 of Rita Patra, Ld. Advocate & the copy of the Writ Petition of the above mentioned matter which will speak for itself. It is necessary to engage a State Advocate for contesting the matter on behalf of the State Respondents.

You are, therefore, requested to kindly make necessary arrangements or engagements of State Advocate for the same.

The undersigned proposes the name of **Mr. Chandi Charan De**, Ld. A.G.P. as State Advocate.

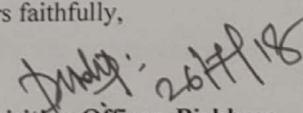
The proposal may kindly be accepted.

This is for favour of your kind information and taking necessary action.

Enclose: 1) Copy of the Advocate's letter.

2) Two sets of Writ Petition.

Yours faithfully,


Special Land Acquisition Officer, Birbhum
Suri, Birbhum

Memo No. / LA / LAW
Copy to

Date: / / 2018

The Secretary to the govt. of West Bengal. Department of L & L.R. and R R & R (L.A. Branch),
Nabanna, 6th floor, 325, Sarat Chatterjee Road, Howrah – 711 102.

Special Land Acquisition Officer, Birbhum
Suri, Birbhum

Tapas Babu

27/8/18

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High Court Cases Monitoring Cell
2nd Floor (above Protocol Department), High Court at Calcutta, Kolkata-700001
Phone: 033-22627404/05, Website: www.sarthac.gov.in

No.: ISR/WP No. 12650(W) of 2018/24.07.2018/PIDUS/0001
Date: 24/07/2018

91

To
The Special Land Acquisition Officer
Office of District Magistrate and Collector, Birbhum
P.O. + P.S. - Suri, Dist. - Birbhum-731101

Sub: Intimation to State Respondent.

Sir/Madam,

I am directed to inform you that a WP No. 12650(W) of 2018 has been filed in the High Court at Calcutta against you/ your Department. A scanned copy of the WP is available at [www.sarthac.gov.in/case-details?type=WP&no=12650\(W\)&year=2018](http://www.sarthac.gov.in/case-details?type=WP&no=12650(W)&year=2018). This link has also been e-mailed to you (subject to your e-mail Id being available with this Cell).

(1) Mr. Partha Pratim Roy, Ld. State Advocate (group A) and (2) Mr. Mrinal Kanti Ghosh, Ld. State Advocate (group C) have been engaged as State Advocates in the case. Their contact details are mentioned, in seriatim, as follows:

1) Address: Bar Association, Room No. -11, High Court at Calcutta, Kolkata-700001
Ph No.: 9874135485
Email Id: parthapratimr2010@gmail.com

2) Address: 7/2C, Ballygunge Park, Kolkata - 700019
Ph No.: 9830874095
Email Id: advmrinalghosh@gmail.com

As you are arrayed as a Respondent in the case
the Nodal Officer of the Department, you are requested to immediately contact the State Advocate with all documents relating to the case.

Yours faithfully,

(D.K. Garg)
Nodal Officer,
High Court Cases Monitoring Cell,
High Court at Calcutta.



D. no-1119/2A
27/8/18



GOVERNMENT OF WEST BENGAL
OFFICE OF THE SPECIAL LAND ACQUISITION OFFICER, BIRBHUM
SURI, BIRBHUM.

Email: spllaobirbhum@gmail.com

☎ 03462-255424

Memo No. 3104 / LA / LAW

Dated: 03/08/2018

To

1. Mr. Partha Pratim Roy,
Ld. State Advocate
High Court, Kolkata
2. Mr. Mrinal Kanti Ghosh,
Ld. State Advocate
High Court, Kolkata

Sub: Submission of Brief History along with Para wise Statement of Facts in respect of W.P. No. 12650 (w) of 2018 in the matter of the State of West Bengal – vs - Hossen Ansari @ Hosen Ansari @ Ansari Hossen and Anr.

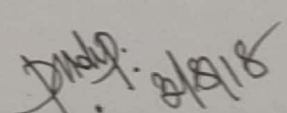
Sir,

Being engaged as State Advocate of the aforesaid W.P. Case, the undersigned is furnishing Brief History along with Para wise Statement of Facts for your kind information and kind perusal.

Enclo:

1. As stated above.

Yours faithfully,


Special Land Acquisition Officer, Birbhum
Suri, Birbhum





GOVERNMENT OF WEST BENGAL
OFFICE OF THE SPECIAL LAND ACQUISITION OFFICER, BIRBHUM
SURI, BIRBHUM.

Email: spllaobirbhum@gmail.com

☎ 03462-255424

Brief History in respect of W.P. No. 12650 (w) of 2018 in the matter of The State of West Bengal – vs – Hossen Ansari @ Hosen Ansari @ Ansari Hossen & Anr.

The instant W.P. No. 12650 (w) of 2018 relates to the L.A. Case No. 04 / 2016 – 17 initiated under the provision of NHAI Act of 1956 and its amended acts by the Competent Authority of Land Acquisition for construction of ROB and its approaches in lieu of level crossing no 21 SPL / E at KM. 338.000 of NH – 60 in the District of Birbhum, West Bengal at the instance of Superintending Engineer, National Highway, Planning and Design Circle, P.W. D (Roads) Directorate, Khadya Bhavan, Block – A, 1st Floor, Mirza Ghalib Street, Kol – 87.

The subject plot is 547 of Mouza – Abdarpur , J.L. No. 97 , PS – Suri, Dist. Birbhum. An area of 53 decimals out of 1.55 Acres of the Plot No. 547 of Mouza – Abdarpur , J.L. No. 97 , PS – Suri, Dist. Birbhum have been acquired and the writ petitioner is the recorded owner of 12 decimals with share 0.0077. There is a structure on the subject plot of the writ petitioner.

As per proportionate share of the subject plot, the writ petitioner received the award amount Rs. 13,748.00 for the lands and Rs. 4, 31,072.00 (Rs.1,16,904.00 under award Sl. no. 276 + Rs. 1,90,892.00 under award sl. 277 + Rs. 1,23,276.00 under award sl. no. 278) for the structures.

The notification u/s 3A of the NHAI Act 1956 has been published in the Gazette of India (Extraordinary) on 22.02.2017 vide notification no. S.O. 595 (E) dated 21.02.2017 and it was followed by declaration u/s 3D published in the 'BARTAMAN' on 07.06.2017 and in the 'Times of India' on 07.06.2017 with public notices under section 3G (1), 3G (2) & 3G (4) vide S.O. No. 1632 (E) dated 17.05.2017 and with this publication, the lands has got vested absolutely in the Central Government u/s 2 of the said act.

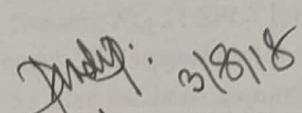
No objection petition from the interested persons u/s 3C (1) of the NHAI Act, 1956 has been received within 21 days from the date of publication of the notification. Naturally, report on this provision of the said act is nil.

Hearing was made as scheduled. Demarcation of land was made as per joint survey with the NHAI (requiring body).

The possession of the subject land was handed over to the RB on 16.03.2018.

The writ petitioner submitted an application dated 05.06.2018 stating that the Land Acquisition Department in association with NHAI had pegged symbolic pillar / mark by demarcating the subject land properly as per the proposed plan of the NHAI. The writ petitioner is set to have alleged that the NHAI with his amin had shifted the symbolic pillar / mark by encroaching into pucca structure by 22 feet more than the actual acquired plot of land, for which the writ petitioner has moved the Hon'ble High Court, Kolkata. This office forwarded the said petition to the NHAI vide memo no 2277 / LA / SQD - I dated 02/07/2018 for looking into the matter and to do the needful.

Enclos: As stated above.


Special Land Acquisition Officer, Birbhum
Suri, Birbhum


02/07/18

Para-wise statement of fact in connection with WP No:- 12650 (w) of 2018 in the matter of the State of West Bengal – vs – Hossein Ansari @ Hossein Ansari @ Ansari Hossein & Anr.

Para-wise statement of fact in connection with the aforesaid WP is submitted below:-

Para No: 1 The writ petitioner is to prove.

Para No: 2 At the instance of the Superintending Engineer, National Highway, Planning & Design Circle, P.W. (Roads) Directorate, Khadya Bhavan, Block – A, 1st floor, the L.A. Case was started under the NHAI Act, 1956 by the L.A. Collector, Birbhum for construction of ROB and its approaches in lieu of level crossing No. 21 SPL / E at KM 338.000 of NH – 60 in the District of Birbhum, West Bengal. The subject plot is 547 of Mouza – Abdarpur, J.L. No. 97, and 0.53 Acre out of 1.55 Acre has been acquired. Out of the acquired 53 decimals of land, 12 decimals are recorded in the name of petitioner (Copy 'A' enclosed). As per the proportionate share of the petitioner, the awards towards the land and the structure were given to him (Copy 'B' enclosed).

Para No: 3 Admitted.

Para No: 4 Admitted.

Para No: 5 As per proposed plan of the NHAI, the Land Acquisition Department in association with the NHAI demarcated the land.

The writ petitioner submitted a petition on 05.06.2018 stating that the NHAI with their Amin has encroached into the pucca building by pegging 22 feet away from the acquired land. (Copy 'C' enclosed). This office forwarded the said petition to the NHAI to look into this matter & to do the needful (copy 'D' enclosed). Shifting of symbolic pillar from the earlier pillar pegged was done by the NHAI keeping this office in the dark.

Para No: 6 Same as para no. 5.

Para No: 7 Same as para no. 5.

Para No: 8 Same as para no. 5.

Para No: 9 Same as para no. 5.

Para No: 10 As soon as this office received the written objection regarding the shifting of symbolic pillar from the previous mark, this office had sent the same to the NHAI for taking necessary action by demarcating the subject plot as per their proposed plan. In the first instance this office, in association with the NHAI had pegged the symbolic pillar properly, where there was no objection from the end of the writ petitioner.

Para No: 11 The matter does not relate to this office.

Para No: 12 The matter does not relate to this office.

Para No: 13 The matter does not relate to this office.

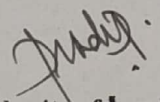
Para No: 14 The matter does not relate to this office.

Para No: 15 The matter does not relate to this office.

Para No: 16 The matter does not relate to this office.

Para No: 17 The matter does not relate to this office.

Yours faithfully,


3/8/18
**Competent Authority of Land Acquisition
&
Special Land Acquisition Officer, Birbhum
For National Highways entrusted to state PWD, W.B, Birbhum**
B.L.
02/01/18

18/3/19

To
The SPl. L.A.O
Birbhum

ମହାଶୟ—

ଆଜି ଶୁଭେକାଳେ ମୋର ଶ୍ରୀ
ପ୍ରାଣେ ନିମ୍ନ ଲେଖିତ ଶ୍ରୀମତୀଙ୍କୁ
ଦେଖାଇ ଦାଖଲ କରାଯିବ
କାର୍ଯ୍ୟ ବିଷୟରେ ଉପାଦାନ ନାହିଁ
ନିମ୍ନୋକ୍ତ ମାମଲା ନିମ୍ନୋକ୍ତ
କାର୍ଯ୍ୟରେ ଦାଖଲ ନାହିଁ

A. Naskar, Addl. L.A.O (B)
Tapas Bhandari

Special Land Acquisition Officer
SURI :: BIRBHUM

ନିର୍ଦ୍ଦେଶ
ଶ୍ରୀମତୀଙ୍କୁ
M-9635442950



D.No 364/LA
dt. 15/3/19

W.P. 12650 (W) of 2018

**Hossen Ansari @ Hosen Ansari @
Ansari Hossen & Anr.**

Versus

The State of West Bengal & Others

Ms. Rita Patra

... For the petitioners.

Mr. Partha Pratim Roy

Mr. Mrinal Kanti Ghosh

... For the State-respondents.

Party/parties is/are represented in the order of their name/names as printed above in the cause title.

Ms. Patra, Learned Advocate on Record appearing for the petitioners submits on instructions, that the petitioners do not wish to proceed with the writ petition any further.

On behalf of the State-respondents, appearance is entered by Mr. Mrinal Kanti Ghosh, Learned Advocate led by Mr. Partha Pratim Roy, Learned Counsel.

Accordingly, **WP No. 12650 (W) 2018** stands **dismissed as not pressed**.

Interim order, if any, stands discharged.

Urgent Photostat certified copy of this order,
if applied for, be supplied to the parties on compliance
of necessary formalities.

(Subrata Talukdar, J.)

NOTE-SHEET

Date

OFFICE OF THE SPL. LAND ACQUISITION OFFICER, BIRBHUM

25-7-18

Received a letter dated 20/7/2018 from Rita Patra, Advocate, High Court, Calcutta along with copy of writ petition being No- 12650(W) of 2018 in the matter of Hossein Ansari @ Hossein Anasari @ Ansari Hossein & Ann, vs- The State of West Bengal & ors which may kindly be seen. 25/7/18

To
Addl LAO

This office has furnished Brief History & along with this office memo no- 3140/LA/LAN dt- 03/08/2018 Statement of facts in respect of W.P. No- 12650(W) of 2018 in the matter of State of West Bengal -vs Hossein Ansari to Mr. Partha Pratim Roy, being engaged earlier as State Advocate.

It may be mentioned that this office had previously sought for engagement of State Advocate vide this office memo no- 3065/LA/LAN dt- 26/07/18

Spl. LAO

13/08/18

Seen.
13/08/18

This office has officially received the appointment letter of Mr. Partha Pratim Roy on 28/08/18 from the High Court Monitoring Cell

28.8.18. Receive a letter from Nodal officer, High Court Monitoring Cell, High Court at Calcutta, Kolkata - 700014 vide NO. - 1SR/W.P. NO. - 12650(W) of 2018/24.07.2018/PTDUS/001 Dated 24.07.2018 which may kindly be seen. 28/8/18

To
Addl LAO

This office has officially received the appointment letter of State Advocate - Mr. Partho Pratim Roy on 28/08/18, which may kindly be seen.

Spl. LAO.

28/08/18

28.8.18

A Hossain Ansari has submitted the order dt. 06/03/19 passed by Hon'ble High Court, Kolkata in W.P. NO-12650(W) of 2018. From the order, it is learnt that the applicant aforesaid W.P. stands dismissed at the wish of the petitioners. (Copy enclosed) Now, it is not necessary to proceed with this case.

This may kindly be seen & signed.

28/08/18

Spl LAO.