

17    **21.06.2022**

**gd/ssd**

WPA(P)/236/2022  
PRASENJIT BOSE  
VS  
STATE OF WEST BENGAL AND ORS.

Ms. Jhuma Sen,  
Mr. Masum Ali Sardar  
..for the Petitioner.

Mr. S.N. Mookerjee, learned Advocate General,  
Mr. T.M. Siddiqui,  
Mr. Shayak Chakraborty  
..for the State.

Mr. Anindya Mitra,  
Mr. Mr. Abhratosh Majumdar,  
Mr. Chayan Gupta,  
Mr. Sandip Dasgupta,  
Mr. Saaqib Siddiqui,  
Mr. Aviroop Mitra  
..for WBPDC.

Affidavit of service filed by the counsel for the petitioner is taken on record.

This present petition raises the issue of the land which is stated to be acquired for Deocha-Pachami-Dewanganj-Harinsingha Coal Mines Project.

Submission of the learned counsel for the petitioner is that the land of the tribals is being acquired under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 without there being any social impact assessment report. She further submits that it is a Category-A Project which requires the environment clearance which has not been obtained in terms of Environment of Impact Assessment Rules, 2006. She has made a prayer for interim direction.

Learned Advocate General has opposed the petition and has submitted that land is taken with the consent of the land owners and the same is not under the Act of 2013. He has also submitted that the land owners are being paid much higher compensation and even otherwise they have a right under Section 108 of the Act. He has sought short adjournment to place the stand of the State on record.

Similar is the submission of learned Senior counsel appearing for the respondent no.3 i.e. West Bengal Power Development Corporation Limited.

We deem it proper to give an opportunity to the respondents to place their respective stand on record before considering the prayer for interim order.

Hence, we grant two weeks' time to the learned counsel for the respondents to file their affidavit-in-opposition. Thereafter affidavit-in-reply be filed by the petitioner within one week.

List on 18<sup>th</sup> of July, 2022.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)

