

Party Name : AMAR MITRA AND ORS. Vs ADJM AND COLLECTOR AND ORS.

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THE HONBLE MR. JUSTICE S.C.DAS

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Heard learned counsel, Mr. A. Bhowmik for the petitioners.

By filing this writ petition the petitioners prayed for directing respondent Nos.1 and 2 to disburse the entire compensation amount to the petitioners and not to disburse any amount to private respondent No.3.

The matter is taken up for disposal at the motion stage itself without issuing notice to the respondents.

The brief fact is that land measuring 0.005 acres recorded in Khatian No.228/2, Plot No.7430/P of Mouja Santirbazar has been acquired for public purpose. The land has been recorded in the name of raiyat, Annada Charan Mitra and as against Plot No.7430, Haralal Debnath has been shown as permissive possessor.

In connection with LA Case No.25/STB/ 2015, notice has been issued to the raiyat as well as the permissive possessor for receiving the compensation amount. A copy of the notice dated 30.05.2015 is annexed as *Annexure-P/3* to the writ petition. The petitioner submitted application before respondent No.2 not to make the payment as per the notice since according to the petitioners the permissive possessor is not entitled to have any compensation.

The writ petition appears to be highly premature. It appears that the competent authority has not yet decided as to whom the payment for acquisition of the land in question has to be made. Notice has been issued to both the raiyat as well as the permissive possessor as per khatian and the petitioners, if they have any grievance, may make appropriate application before the competent authority regarding their grievance in respect of entitlement to receive the payment and the competent authority shall take decision according to law regarding disbursement of the compensation amount. Until it is decided as to who shall be entitled to receive the compensation, obviously, the respondents shall not make the payment. If the petitioners feel aggrieved by the decision of the competent authority, they may, in that event, make appropriate application for stopping payment and approach appropriate authority for decision on the issue.

The writ petition, therefore, is disposed of with the observation that the petitioners may make appropriate application before the competent authority stating their grievance regarding disbursement of the awarded compensation and the appropriate authority will be at liberty to take decision according to law, and, in case, the petitioners feel aggrieved, they may approach the appropriate forum against the decision of the appropriate authority.