

S/L. 22.
29.08.2019
MNS

**Calcutta High Court
In The Circuit Bench At Jalpaiguri
Appellate Jurisdiction**

WPA 336 of 2019

**Vidya Devi
Vs.
State of West Bengal and others**

Mr. Manabendra Ghosh

...for the petitioner.

Mr. Subir Kunar Saha,
Mr. Momenur Rahman

...for the respondents.

Affidavit-of-service filed in court today be
taken on record.

Both sides are represented.

It is argued on behalf of the petitioner, on
the strength of the West Bengal Requisitioning
of Vehicles Act, 1979, in particular Section 8
thereof, that if during the period of requisition
a vehicle, requisitioned under Section 3 of the
Act, is damaged otherwise than by normal
wear and tear or lost and if such damage or
loss to the vehicle is not insured, there shall be
paid to the person entitled to compensation
under Section 4 an additional compensation to

the extent of damage or loss suffered as may be determined by the State Government in such manner as may be prescribed.

It is argued that the Superintendent of Police, Darjeeling, requisitioned the petitioner's vehicle and despite the vehicle having been gutted by fire due to mob outrage during such requisition, which eventuality is not covered by insurance and, in spite of the petitioner having given a representation, which was forwarded by the District Magistrate to the Additional Chief Secretary, Transport Department, the authorities are passing the buck between each other and no steps have been taken as yet on the claim for compensation of the petitioner, who is the owner of the requisitioned vehicle.

Learned counsel for the respondents submits that proper papers as to the claim have not been deposited with the authorities, for which the authorities are not in a position to assess compensation.

Such contention is controverted in reply by learned counsel for the petitioner, who submits that all the necessary papers regarding requisition of the vehicle are lying with the respondents and as such, there is no question of further production of such documents.

Be that as it may, since a legitimate claim has been raised by the petitioner in the instant writ petition, it is the incumbent duty of the respondents, in particular, respondent no. 6, to consider the amount of compensation, if any, to be payable to the petitioner for the alleged loss due to fire.

Accordingly, WPA 336 of 2019 is disposed of by directing the respondent no. 6 to treat the present writ petition as the representation of the petitioner and, if necessary, to give a further hearing to the petitioner on a date fixed by the respondent no. 6 upon proper prior notice to the petitioner. Such hearing shall be concluded within a fortnight from date upon sufficient prior notice to the petitioner. Thereafter, the respondent no. 6 shall assess the entitlement of the petitioner to the claim of compensation and, in the event it is found that the petitioner is entitled to such compensation, the respondent no. 6 shall disburse such assessed compensation to the petitioner as early as possible, the total process of disbursement being completed within one month from the date of hearing given to the petitioner.

There will be no order as to costs.

Let photostat certified copies of this order, if applied for, be made available to the parties upon compliance of due formalities.

(Sabyasachi Bhattacharyya, J.)