

10.09.2020
srm

W.P.A. No. 6610 of 2020
CAN 1 of 2020 (Old No. CAN 4913 of 2020)
(Via Video Conference)

Jogendra Nath Maity
Vs.
The State of West Bengal & Ors.

Mr. Ashim Kumar Routh,
Mrs. Anindita Auddy (Das)
...for the Petitioner.

Mr. Soumitra Bandyopadhyay,
Mr. Subhasis Bandyopadhyay
...for the State.

Mr. Victor Chatterjee,
Mrs. Sharmistha Ghosh,
Mr. Swarbhanu Bhattacharya
...for the Respondent No.2.

Affidavit of service is taken on record.

The writ petition is taken up for hearing through
video conferencing in view of the urgency.

The application being CAN 1 of 2020 (Old No. CAN
4913 of 2020) is disposed of.

This writ petition has been filed by the petitioner
claiming to be the legal owner and occupier in respect of
sali lands being Dag Nos.510, 511, 513 measuring about
21 decimals under Mouza Chirulia, Police Station-Egra,
District-Purba Medinipur.

It is the contention of the petitioner that the
petitioner purchased the said lands from the respondent
No.6 by a Deed No.4416 dated November 15, 1989. The
IGR bearing No.4474 was given to the petitioner. It is
alleged that the registering authority has not returned

the registered deed in favour of the petitioner as the stamp papers were forged. It is further alleged that due to non-availability of the registered sale deed, the Indian Oil Corporation, who have installed pipe lines in terms of Petroleum & Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 over the said lands belonging to the petitioner, had not paid any compensation to the petitioner, namely, crop compensation and land compensation.

Directions are prayed for payment of the compensation in terms of the Act.

It is submitted on behalf of the Indian Oil Corporation that as the original title deed of the petitioner was not available the Corporation is not in a position to disburse any compensation. It is further stated that the crop compensation has already been paid, although the same is refuted by the petitioner. According to the petitioner, the crop compensation was paid for a previous project and not present one.

However, this is a disputed question of fact which will be decided by the authority by giving hearing with regard to the payment of crop compensation.

With regard to the payment of land compensation, the contention of the petitioner is not correct, inasmuch as, without the original title deeds it will not be possible for the Corporation to make any payment. However, the petitioner cannot suffer on account of the delay on the

part of the registering authority in returning the registered title deed.

Learned Advocate for the State-respondents submits that orders have already been passed in favour of persons whose deeds had not been registered on account of forged stamp papers, by this Court directing the registering authority to register the deed if proper stamp duty is furnished subsequently.

Under such circumstances, the petitioner is granted liberty to furnish adequate stamp duty before the Additional District Sub-Registrar at Nachinda, Post-Nachinda, P.S. Contai, District-Purba Medinipur, the respondent No.5, within two weeks from date. The respondent No.5 upon being satisfied, will return the registered sale deed in favour of the petitioner within a week thereof. Upon obtaining a copy of the registered deed, the petitioner shall submit the same before the competent authority of the Indian Oil Corporation, the respondent No.4. The respondent No.4 shall then take expeditious steps with regard to payment of compensation to the petitioner, if it is found that the petitioner is the owner having title over the lands. Such compensation shall be paid within four weeks from the date of submission of the deeds before the competent authority. If there is any impediment towards payment of the compensation, the petitioner will be intimated the reasons within the aforementioned time.

With regard to question of payment of crop compensation, it is left open for the authorities concerned to decide upon hearing the petitioner. With regard to the compensation already disbursed in respect of one of the plots of land, the petitioner shall be at liberty to proceed in accordance with law against the appropriate authorities as also the person to whom the compensation has already been paid.

Submissions have been made by the Indian Oil Corporation that with regard to the other plots involved in this writ petition, no further compensation will be paid till the eligibility of the petitioner to get the compensation is decided finally.

It is also made clear that if there are multiple claimants for the compensation with regard to the same plots of land then the Indian Oil Corporation shall require the petitioner to demarcate his land on the basis of his title deed.

The writ petition stands disposed of.

There will be, however, no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Shampa Sarkar, J.)