

14.10.2020
Item No. 76
Gc/Cp

WPA 6650 of 2020
With
CAN 5504 of 2020

Pratima Mitrya
vs.
The State of West Bengal & ors.

(Via Video Conference)

Mr. Debanjan Das,
Mr. Pappu Adhikari,
Mr. Subinay Dey

.....for the petitioner.

Despite service none appears on behalf of the respondents.

The petitioner is a land loser who seeks compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as the said Act). According to the petitioner, the North-East Frontier Railways was liable to award compensation in favour of the petitioner whose plots of land have been utilized by the North-East Frontier Railways administration.

This writ petition is disposed of directing the Special Land Acquisition Collector, Coochbehar, i.e. the respondent no. 6 to dispose of the representation of the petitioner dated March 13, 2020 in accordance with law. This Court has not gone into the merits of the claim of the petitioner and the said authority is left to decide the issue independently on the basis of

the records and the circulars of the railways. While disposing of the said representation the respondent no. 6 will give a hearing to the petitioner, the railway authorities and such persons likely to be affected by this order. After giving the hearing to the parties, a reasoned order should be passed and communicated to each of them. The entire exercise should be completed within a period of eight weeks from the date of communication of this order.

If the respondent no. 6 decides in favour of the petitioner, then the railway authorities shall take expeditious steps to comply with the order of the Special Land Acquisition Collector within a further period of eight weeks from the date of determination of the amount of compensation by the respondent No.6. CAN 5504 of 2020 is accordingly disposed of.

All parties are to act on the server copy of this order.

(Shampa Sarkar, J.)