

10.08.2021
jb.

W.P.A. 168 of 2020
(Bimal Ch. Roy vs. State of West Bengal & Ors.)

Mr. Partha Pratim Roy
Mr. Dyutiman Banerjee
For the Petitioner
Mr. Soumitra Bandyopadhyay
Mr. Aniruddha Sen
 For the State
Mr. Manik Roy
Mr. Sarbananda Sanyal
 For the NHAI

The grievance of the petitioner is directed against non-payment of compensation in respect of land acquisition proceedings initiated by the State respondents. It is submitted by the petitioner that in respect of the subject premises the petitioner has not received any compensation. It is further alleged on behalf of the petitioner that though 21 decimals of land was acquired by the NHAI, the petitioner has not received any compensation in respect of the balance land which has been purportedly acquired by them.

Mr. Bandyopadhyay appears on behalf of the State respondents and submits that Plot Nos. 894 and 895 in Mouza 32, Govindapur belonging to the petitioner have been acquired and the petitioner has received the entire compensation in respect of the

same. The petitioner now claims compensation in respect of Plot No. 896 which has never been the subject matter of any acquisition proceedings.

Ms. Roy appears on behalf of the NHAI and submits that the petitioner has received the entire compensation in respect of Plot Nos. 894 and 895. However, the petitioner is now fraudulently and wrongfully seeking compensation in respect of plot No. 896 which was never the subject matter of any acquisition proceedings.

I am of the view that the entire grievance of the petitioner in respect of compensation for Plot No. 896 is without any basis whatsoever in view of the fact that no portion of the same has been acquired by the respondent authorities and, therefore, there is no question of making any compensation to the petitioner for the said plot. Accordingly, there is no enforceable legal right of the petitioner in so far as compensation is concerned in respect of Plot No. 896, which the petitioner now claims. Thus there is no question of even consideration of the representation of the petitioner.

In view of the aforesaid, W.P.A. 168 of 2020 is dismissed.

There shall be no order as to costs.

Photostat certified copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Ravi Krishan Kapur, J.)