

24.08.2021
rc/ct.no.10
Item No.98

WPA No. 7293 of 2021
Sayed Nazrul Islam
Versus
The State of West Bengal & Ors.
(VIA VIDEO CONFERENCE)

Mr. Prasenjit Mukherjee
Mr. Saptarshi Chakraborty
Mr. Arghya Kamal Das
Mrs. Poulami Dutta ...for the petitioner

Mr. Soumitra Bandyopadhyay
Mr. Priyabrata Batabyal ...for the State

The grievance of the petitioner is directed against an alleged acquisition proceedings.

It is alleged on behalf of the petitioner that the name of the petitioner appears in the list of persons who are entitled to compensation issued in LA Case No. 30 (NHAI Act) of 2009-10. It is further alleged on behalf of the petitioner that the petitioner has received a letter dated January 05, 2017 issued by the respondent authorities asking the petitioner to come and take compensation. In this back ground the petitioner seeks appropriate directions upon the respondent authorities to make necessary payment of compensation to the petitioner.

Mr. Bandyopadhyay, Advocate appearing on behalf of the State-respondents submits that the subject premises is a property which belongs to the Board of Auqaf, West Bengal. It is further submitted on behalf of the State-respondents that the Board of Auqaf is a necessary and

proper party and in the absence of the Board of Auqaf no payment can be made to the petitioner. He also submits that the petitioner has no independent legal right to obtain any compensation and any right which the petitioner alleges is as a member of the Board of Auqaf. He also submits that there are several disputes by and between the members of the Board of Auqaf and no independent Mutwali can claim any right whatsoever to obtain any compensation. He also submits that there are serious disputes in so far as the locus of the petitioner is concerned to obtain any compensation for the property which belongs to the Board of Auqaf and which has been acquired.

I have heard the parties. I am of the view there is no doubt that the LA Case No. 30 (NHAI Act) of 2009-10 was initiated by the respondent authorities in respect of a premises which belongs to the Board of Auqaf. There is also no dispute that a final award has been passed in respect of the said acquisition proceeding. However, the petitioner has been unable to demonstrate any independent right whatsoever to receive any compensation which is admittedly payable to the Board of Auqaf. The petitioner is a Mutwali and has been unable to show any lawful authority from the Board of Auqaf to obtain such compensation individually and on his own.

Hence, on the ground of locus of the petitioner I am unable to grant any relief in favour of this petitioner.

Accordingly WPA No. 7293 of 2021 is dismissed.

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

(Ravi Krishan Kapur,J)