

3 19.3.2021

gd/ssd

RVW 68 of 2020
in
CAN 1 of 2020
CAN 2 of 2020
(Through Video Conference)

Bharat Petroleum Corporation Limited
Vs.
Pranab Chakraborty & Ors.

Mr. Puspendu Chakraborty
..for the Applicants

Mr. Tapan Kumar Rakshit
Mr. Surajit Roy
..for the Respondents/Writ Petitioners

Mr. Susovan Sengupta
Mr. Subir Pal
..for the State

Re: CAN 1 of 2020

The applicant on an undertaking that deficit court fees of Rs.200/- shall be deposited in course of the day.

We propose to take up the applications.

There is a delay of 488 days in preferring this review application. The applicant is not a party to the original writ petition.

Having considered the explanations offered for the reason of delay in preferring the application for review, we accept the said explanation and condoned the delay of 488 days in preferring the review application.

The application for condonation of delay is thus allowed.

Re: RVW 68 of 2020
CAN 2 of 2020

We have heard the learned counsel appearing for the parties.

The applicant is an acquiring body. It is submitted on behalf of the applicant that the order on the basis of which the reference was made to the Collector to redetermine the compensation has been stayed by a coordinate Bench on 1st September, 2006. The applicant as the acquiring body had preferred an appeal before a coordinate Bench against the determination of compensation in favour of Md. Sayeedul Islam Mir. It is true that before us the claim is based on the basis of the determination made by the Collector in the case of Md. Sayeedul Islam Mir.

We have been informed that the Collector has already passed an order in terms of our order dated 28th March, 2019 and the same has already been implemented. The exercise of jurisdiction by the Collector is not merely dependent upon the determination of compensation in Md. Sayeedul Islam Mir. The Collector has to decide the matter in accordance with law and the guidelines have been indicated by us in our order dated 28th March, 2019. In fact, it appears from the order passed by the coordinate Bench that 50% of the amount awarded by the Collector

was allowed to be withdrawn by Md. Sayeedul Islam Mir. No attempt was made by the present applicant to have the said appeal heard before the Division Bench. The appeal is pending since 2005. If the order of the Collector had affected the right of the applicant, it was open for the applicant as acquiring body to take appropriate steps in accordance with law but the acquiring body had no right to seek a review of the order which was passed on the beneficial interpretation of the various provisions of the Land Acquisition Act and under the Act a duty is not upon the Collector to take into consideration all relevant factors to redetermine the compensation payable to the land-loosers. The disparity in the amount of compensation amongst the person similarly placed is certainly a relevant consideration but may not be the only consideration. The Collector has given a reason for enhancement of the compensation amount in terms of our direction. We have not decided the claim for enhancement on merits, but we directed the Collector to redetermine the compensation under Section 28A of the 1894 Act as the object of the said Act is to compensate the persons who have been paid less amount of compensation for the same nature of land. It was on such consideration we do not find any reason to entertain this application for review by the acquiring

body who was not a party in the writ petition.

Review application and the connected application are dismissed.

(Soumen Sen, J.)

(Ravi Krishan Kapur, J.)

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