

13-09-2021
ct no. 13
Sl.92
sp

W.P.A. 12602 of 2021

Gitasree Banerjee

-Versus-

The Kolkata Metro Rail Corporation Limited & Ors.
(Via Video Conference)

Mr. Prasenjit Mukherjee,
Mr. Saptarshi Chakraborty

...for the petitioner

Mr. Jishnu Chowdhury,
Ms. Sreya Basu Mallick,
Ms. Srijita Mitra

...for the respondent no.1

The writ petitioner complains that she was not awarded compensation of Rs. 5 lakhs that has been given to the similarly situated persons residing in buildings in said area, that have been damaged during the construction of the East West Metro.

The writ petitioner submits that pursuant to request made to the Managing Director, Kolkata Metro Rail Corporation Limited under Section 6(1) of the Right to Information Act, 2005, it transpired that four persons from said the lane, in which she resided i.e. 2A, Gour Dey Lane, P.S.-Muchipara, Bowbazar, Kolkata – 700012, have been awarded compensation of Rs. 5 lakhs each.

Mr. Jishnu Chowdhury, learned counsel for the Kolkata Metro Rail Corporation Limited (KMRCL) submits that the writ petitioner has admitted that she does not ordinarily reside in the said premises at 2A, Gour Dey Lane, P.S.-Muchipara, Bowbazar, Kolkata – 700012. She resides in her matrimonial house at

Barrackpore. Reference is made to paragraph 9 of the writ petition and the application for compensation dated May 6, 2021 indicating that the writ petitioner has applied from Barrackpore for the same. The petitioner's voter identity card is also referred to show her address as at Barrackpore.

Indeed it is true that pursuant to a decision jointly taken by the KMRCL and the State Government, compensation has been decided and paid to persons directly affected by the damage caused to the property, for those who were actually residing in the said property. In addition thereto, KMRCL had also undertaken to effect repairs to all the building damaged during the aforesaid incident.

The KMRCL admits that they are obliged to and shall effect repairs to the building of the writ petitioner, if the same has been damaged.

The identification of the persons entitled to compensation has also been left to the State Government and the writ petitioner has not yet been identified as such.

Counsel for the writ petitioner, however, relies upon an electricity bill of the said premises bearing her name at No. 2A, Gour Dey Lane, P.S.-Muchipara, Bowbazar, Kolkata – 700012 to argue that she is residing thereat and is thus entitled to the said compensation.

This Court is unable to accept such submissions of the learned counsel for the writ

petitioner since the electricity bill is normally issued to landlord or lawful occupants of the said premises. Bills can also be issued as unauthorized documents.

Evidence presented before this Court by the KMRCL is indeed conclusive that the petitioner may not have resided in the premises at all.

This Court is, therefore, of the view that the writ petitioner is not entitled to any compensation as claimed by her in the writ petition. The writ petitioner shall, however, be entitled to get her building repaired the KMRCL.

For the reasons stated hereinabove, the writ petition is dismissed with costs assessed at Rs. 5,100/- payable by the writ petitioner to the KMRCL within a period of 10 days from date.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)