

14.09.2021
rc/ct.no.10
Item No.16

WPA No. 23131 of 2019
Mohammad Isha
Versus
Union of India & Ors.

(VIA VIDEO CONFERENCE)

Mr. Manoj Kumar Roy	...for the petitioner
Mr. Chandi Charan De	
Mr. Anirban Sarkar	for the State
Mr. Partha Ghosh	..for the railway

Heard the learned counsels appearing on behalf of the parties.

The grievance of the petitioner is that out of 0.03 decimals of land in Dag No. 2504, J.L.No. 85, Mouza – Baruipara, Police Station – Singur, District – Hooghly notice of acquisition in respect of an approximate area 0.01 decimals was served upon him by the competent authority under The Railways Act, 1989. Pursuant to such notice hearing was held and the said portion of land of the petitioner was acquired.

Learned counsel appearing on behalf of the Railway Authorities submits that the compensation for the said acquired portion has been handed over to the State.

It is not in dispute that the acquired portion of the land has been utilised in laying of 4th railway track besides the three existing tracks and the acquired land has been so utilised.

The petitioner has alleged that he has his residential house in the remaining portion of the land which has not been acquired by the respondents and the railway authority is trying to demolish his residential house in the said portion of the land illegally.

Learned counsel appearing for the State-respondents and the Railway Authorities submit that the acquired land has already been utilised and there is no question of demolition of the petitioner's residential house, if any, in the portion of the land not acquired. Referring to page 26 (Annexure P/3 of this writ petition), learned counsel appearing for the State submits that the acquired land is bereft of any tree or structure and as such, question of demolition of any structure does not arise.

In view of the said fact and upon submission of the respondents that there is no question of demolition of any structure in the land occupied by the petitioner beyond the acquired portion of the land, the writ petition being WPA No. 23131 of 2019 is disposed of.

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

Since no affidavits are invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be furnished to the parties on usual undertakings.

(Suvra Ghosh,J)