

AD 08.
March 23, 2021
SG & s. biswas

MAT 738 of 2020
With
CAN 1 of 2020

Balaram Chowdhury
-versus-
Union of India and others

M/s. Sabyasachi Choudhury,
(through Video Conference)
Rajarshi Dutta,
Ayan Chakraborty,
Horiram Singh,
S. Mukherjee, Advocates
... for the appellant

M/s. Uttam Kumar Mazumdar,
Bhaskar Seth, Advocates
... for the respondent No.9

Mr. Pathik Bandhu Banerjee, Advocate
... for the respondent No.11

Order passed by the learned Single Judge declining prayer for grant of interim relief for payment of compensation on account of alleged acquisition of land and superstructure owned by the petitioner, has been challenged by filing the present appeal.

As it is evident from the main writ petition, inter-alia the claim made by the petitioner is for joint inspection of the land to find out as to whether the structure belonging to the petitioner was constructed on the same acquired land or otherwise.

In view of the aforesaid fact, we do not find any case is made out for grant of relief to the petitioner for a direction for payment of compensation, once the facts are yet to be determined by the competent authority. The writ petition is still pending consideration before the learned Single Judge, where pleadings are yet to be completed. Grant of interim relief to the appellant would mean granting the final relief, which cannot be granted at interim stage.

The present appeal is accordingly, dismissed.

(Rajesh Bindal, J.)

(Aniruddha Roy, J.)