

17.08.2021
rc/ct.no.10
Item No.14

WPA No. 9520 of 2020
Smt. Pratima Gayen
Versus
The State of West Bengal & Ors.

(VIA VIDEO CONFERENCE)

Mr. Supratick Syamal
Mr. Dilip Kr. Shyamal ...for the petitioner

Mr. Chandi Charan De
Mr. Anirban Sarkarfor the State

The grievance of the petitioner is directed against non-payment of compensation by the respondent authorities.

It is submitted by Mr. Shyamal, Advocate appearing on behalf of the petitioner that the petitioner is entitled to compensation as he has lost his livelihood under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 in view of construction of the High Level Bridge over the Hetania-Deania River in the District of South 24-Parganas. He relies on the provisions of the aforesaid Act and submits that since the petitioner has lost his right of livelihood he is entitled to compensation.

Mr. De, Advocate appearing on behalf of the State-respondents submits that the petitioner seeks compensation as an occupier on land belonging to the PWD. He relies on paragraph 13 of the writ petition to contend that there is no scope for even consideration of the

prayer of the petitioner for compensation since the petitioner is not the owner of the subject premises.

I have heard the parties.

I find that it is admitted and indisputable fact that the petitioner is not the owner of the subject premises.

Accordingly, I am of the view that since the petitioner seeks compensation in respect of PWD land there is no legally enforceable right which the petitioner can claim to seek any relief in this proceeding. The petitioner cannot be compensated in respect of land belonging to the PWD. There is no legally enforceable right which the petitioner can demonstrate to seek any compensation.

Accordingly, WPA No. 9520 of 2020 is dismissed.

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

(Ravi Krishan Kapur,J)