

29.11.2021
Court No. 19
Item no.07
CP

WPA 10107 of 2020

Tapash Kumar Dutta @ Tapas Dutta
Vs.
State of West Bengal & ors.

Mr. Debabrata Chakraborty
Mr. S. Akhtar
Md. Umar
Mr. M. A. Elahi

.....for the petitioner.

Mr. Soumitra Bandyopadhyay
Mr. Aniruddha Sen

....for the State.

Mr. Sankar Halder

....for the respondents 6 & 7.

Mr. Mani Sankar Chattapadhyay

.....for the intervenor.

Affidavit of service filed today is taken on record.

Mr. Mani Sankar Chattapadhyay seeks to intervene in this matter as owners of the property situated at Mouza Baruihuda, Ward Nos. 10 and 11 under the Krishnanagar Municipality (hereinafter referred to as the municipality). The prayer is allowed.

Today the municipality has filed a report dated November 27, 2021. The same is taken on record.

It appears that pursuant to the several complaints lodged by the petitioner, the municipality on several occasions asked the petitioner to appear before the officials in order to redress the grievances of the petitioner. It appears that such letters have been sent to the petitioner since 2015 by the municipality. The petitioner was issued several notices. Last of such notice was issued on September 25, 2017 but the said Tapas Kumar Dutta, the petitioner herein, failed to produce any documents of title and ownership before the municipality.

The petitioner alleges that some portions of the petitioner's property was proposed to be acquired by the Government. The expected compensation that could be payable in view of such proposal was also mentioned in several communications between the Government and other officials. It is alleged that the award has been published in respect of the acquisition and no compensation has been paid. The petitioner claims that the estimated compensation, which was a part of the proposal should be paid to the petitioner as owners of the land.

Per contra, the learned advocate for the municipality submits that the land was never acquired but there was a proposal for the acquisition. That as the petitioner sent several letters to the municipality, the municipality called the petitioner

on several occasions to produce documents in support his contentions but the petitioner could not produce any such document.

It is further submitted by the municipality, that the alleged property was sold to Mr. Mani Sankar Chattapadhyay's client who seeks to intervene in this proceeding. The deed of sale has been produced before this court from which it appears that the description of the property in the sale deed and in the writ petition, in respect of which the compensation is being claimed are same and identical

The prayer of the petitioner is for a direction upon the competent authority to pay compensation in lieu of acquisition.

The dispute now as it arises appears to be inaction on the part of the respondents/State authorities to pay compensation to the petitioner in lieu of acquisition.

The Municipality and the State respondents submit that there has been no acquisition. There was only a proposal. Nothing is available on record with regard to any acquisition. It appears that due to some resistance from the petitioner, the authorities tried to settle the matter amicably and ultimately the petitioner sold the land and no acquisition took place.

Whether the petitioner has sold out the property to Mr. Mani Sankar Chattapadhyay's client or not are not issues to be decided in this proceeding.

The petitioner has not been able to establish before this court that the municipal authorities have acted contrary to law by violating any fundamental legal or statutory right of the petitioner.

Thus, this court is not in a position to grant any relief to the petitioner on the basis of the records and pleadings in this writ petition.

The petitioner is at liberty to move the appropriate forum in accordance with law.

The writ petition is, thus, disposed of. There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)