

**Circuit Bench of Calcutta High Court
at Jalpaiguri**

⁵⁰
jks 22.04.
2021

W.P.A.673 of 2021

**Mahendranath Roy.
Versus
The State of West Bengal & Ors.**

Mr. Subinay Dey.
.....for the petitioners.
Mr. Hirak Barman,
....For the Railways.

Mr. Subir Kumar Saha (AGP),
Ms. Bedashruti Bose.
...For the State.

Learned Counsel appearing for the petitioner submits that the Special Land Acquisition Collector, Coochbehar should assess and pay compensation to the petitioner for land which had been acquired by the railway authorities from the petitioner.

Learned Counsel appearing for the railway authorities submits that compensation to be assessed and decided by the Special Land Acquisition Collector, Coochbehar and to be paid by the railway authorities as compensation to the petitioner.

Mr. Saha, learned Counsel appears for the State.

The Special Land Acquisition Collector, Coochbehar being the respondent no.4 in the instant writ petition is requested to consider this writ petition as representation before him by the

petitioner.

The petitioner is requested to serve a copy of this writ petition along with a copy of this order to the Special Land Acquisition Collector, Coochbehar within seven days from today.

The Special Land Acquisition Collector, Coochbehar will consider the representation/ writ petition of the petitioner after giving an opportunity of hearing to the petitioner and allow the petitioner to produce the necessary documents before ascertaining the amount of compensation to be paid to the petitioner for lands which had been acquired by the railway authorities. A reasoned order to be passed by the Special Land Acquisition Collector, Coochbehar will be communicated not only to the petitioner but also to the railway authorities.

Learned Counsel appearing for the railway authorities submits that an opportunity of hearing should also be given to the railway authorities at the time of consideration for ascertaining the amount of compensation. The Special Land Acquisition Collector, Coochbehar will also issue notice of hearing to the railway authorities before passing of a reasoned order.

After ascertaining and quantifying the amount of compensation in accordance with law, if the railway authorities pay the compensation, the

Special Land Acquisition Collector will disburse the amount to the petitioner.

The whole exercise should be concluded within a period of five months from date.

With the above direction WPA 673 of 2021 is disposed of.

I make it clear that I have not gone into the merits of the writ petition, all the issues are left open to the Special Land Acquisition Collector, Coochbehar to be decided by him.

Since no affidavits have been invited, the allegations contained in the writ petition are deemed not to have been admitted by the respondents.

There will be no order as to costs.

The parties shall act in terms of the copy of the order downloaded from the official website of this Court.

(Rajarshi Bharadwaj, J.)