

29.09.2021
Sl. No.98
akd

***Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction***

W.P.A. 1357 of 2021 [via video conference]

[Bikash Das -Vs- The State of West Bengal & Ors.]

Mr. Pappu Adhikari
Mr. Subinay Dey
Mr. Debanjan Das
... ... for the petitioner

Mr. Subir Kumar Saha
Ms. Bedashruti Bose
... ... for the State

Mr. Hirak Barman
... ... for the Railways

The grievance of the writ petitioner in substance is that his land has been acquired by the North-East Frontier Railway and compensation is yet to be paid. Admittedly, as on the date of notification of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the compensation has not been paid to the writ petitioner and the amount of compensation has also not been assessed.

Learned counsel for the Railway authorities very fairly submits that the authority to decide the compensation would be the Special Land Acquisition Collector, Post Office & District – Cooch Behar. Upon such determination, according to the learned counsel for the Railway authorities, the compensation is to be disbursed by the General Manager (Construction) and/or

the Deputy Chief Engineer (Construction) of the North-East Frontiers Railway.

In the circumstances above, the Special Land Acquisition Collector, Cooch Behar, is directed to expeditiously make an assessment of the compensation payable to the writ petitioner for acquisition of his land under the Fair Compensation Act, 2013 (supra), but not later than a period of nine weeks from the date of communication of a copy of this order to him. The said Special Land Acquisition Collector shall communicate a copy of the assessment order to the writ petitioner as also the General Manager (Construction) of North-East Frontier Railway within a period of two weeks of passing of the order of assessment, as above. All compensation and/or entitlement shall be determined under the Fair Compensation Act, 2013.

The General Manager (Construction), upon receipt of the assessment order that shall be passed in terms of the directions hereinabove, shall release compensation payable on such assessment back to the Special Land Acquisition Collector within a period of six weeks from the date of actual communication of the assessment order of the Special Land Acquisition Collector.

The Special Land Acquisition Collector shall, thereafter within a period of three weeks, release any such payment in terms of the assessment order of the Special Land Acquisition Collector to the writ petitioner.

It is made clear that in the event of any violation of this order, in particular the time frame fixed by this Court, the amount of assessment and compensation shall start carrying interest @ 8% per annum payable by the concerned defaulting authority in the hierarchy mentioned hereinabove.

With the above observations, the instant writ petition is hereby disposed of without any order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)