

23-12-2021
Court No.2
srm/63.

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

W.P.A. No. 2553 of 2021

Pushpa Roy

Versus

The State of West Bengal & Ors.

Mr. Debayan Ghoswami

...for the Petitioner.

Mr. Bikramaditya Ghosh,
Mr. Pretom Das

...for the State.

The petitioner claims that some portion of the land of the predecessor-in-interest of the petitioner corresponding to Dag Nos.135, 136, 137, 139, 141, 142, 143, 312/789 pertaining to Khatian No.246 in Mouza-Maddhya Panishala, J.L. No.066, District-Coochbehar, had been used by the respondent No.2 for construction of a State Highway.

Record of rights have been annexed to the writ petition in support of the contention that even now the lands have been recorded in the name of the predecessor-in-interest of the petitioner. The petitioner prays that a direction may be passed on the authorities to compensate the petitioner for use of her land.

There is nothing on record before this Court to show that the State Highway was constructed upon acquisition of the lands of the petitioner. No documents have been annexed in support of the allegation of the acquisition. Allegedly, the road was constructed in 1962 and as such, this Court is not in a position to pass any order in favour of the petitioner, as prayed for in the writ petition.

Learned Advocate for the State-respondents submits that the writ petition is frivolous. Since 1962, no one ever has approached the authority with the allegations made in the writ petition. The writ petition has been filed for unjust enrichment on incorrect facts.

Having heard the learned Advocates for the respective parties, this Court is of the opinion that no mandatory directions can be passed. If the petitioner approaches the respondent No.11 with his grievances, the same shall be considered and disposed of in accordance with law and a reasoned order shall be passed and communicated to the petitioner. An opportunity of hearing shall be given to the petitioner and other interested parties including the respondent No.2.

The writ petition is, thus, disposed of.

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

Urgent Photostat certified copy of this order, if applied for, be given to the petitioner on priority basis.

(Shampa Sarkar, J.)