

23.11.2022
rc/ct.no.10
Item No.16

WPA No. 9505 of 2022

Mr. Arindam Das
Mrs. Anushka Mahato ...for the Petitioner

Mr. Satyendra Agarwal
...for the respondents no. 3 to 5
Mr. Kumaresh Dalalfor the UOI

Mr. Ashim Kumar Ganguly
Mr. Joydip Banerjee ...for the State

The petitioner claims to be a tenant in respect of the plot in question and claims an amount calculated at 10% of the amount determined as compensation payable for acquisition of the said land in terms of Section 20F(3) of the Railways Act, 1989 (hereinafter referred to as "the Act of 1989"). The petitioner submitted a representation in this regard before the concerned authority on 10.05.2022 which is yet to be considered. The petitioner prays for a direction upon the concerned authority to consider the representation in terms of the provision of the Act of 1989 as referred to above.

It is submitted on behalf of the respondents that it is for the 8th respondent to decide whether the petitioner as tenant of the property in question is entitled to the said amount as stated in Section 20F(3) of the Act of 1989.

Upon consideration of the submissions made by the learned counsels appearing on behalf of the parties the writ petition is disposed of directing the 8th respondent to consider and dispose of the representation submitted by

the petitioner dated 10.05.2022 upon taking into consideration the provision laid down in Section 20F(3) of the Act of 1989 and upon affording reasonable opportunity of hearing to all interested parties including the petitioner, in accordance with law within a period of two months from the date of communication of this order.

The decision taken by the authority shall be communicated to the petitioner within a week thereof.

With the above observations and directions this writ petition is disposed of.

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

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)