

WPA 9524 of 2022

Mahadeb Santra
Vs.
Union of India & Ors.

Adv. Arindam Das,
Adv. Rumeli Sarkar,

...for the petitioner.

Adv. Kumaresh Dalal,

...for the UOI.

Adv. Satyendra Agarwal,
Adv. Bijay Bag,

...for the respondent nos. 3 to 5.

Adv. Sirsanya Bandyopadhyay,
Adv. Arka Kumar Nag,

...for the State.

On prayer of the petitioner liberty is granted to implead the Chief Administrative Officer, Construction, Eastern Railway and the Chief Administrative Officer, Construction, South Eastern Railway as 13th and 14th respondents in the writ petition.

The cause title of the writ petition be amended accordingly.

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 6th May, 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 State respondents that the owners of the plot in question have been granted compensation in lieu of the acquisition in question. It is further submitted that it is for the 8th respondent to decide whether the petitioner, as tenant of the property, is entitled to compensation under Section 20F(3) of the Act of 1989.

Upon consideration of the submission 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 6th May, 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 the 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.)