

21. 18.07.2022
Ct. No.06
Tanmoy

F.M.A. 184 of 2022
(M.A.T. 1162 of 2021)

Snehalata Mandal & Anr.
-Versus-
The State of West Bengal & Ors.

With
IA No: C.A.N. 1 of 2022

Mr. Bhaskar Chandra Manna, Adv.

...for the writ petitioners/
appellants.

Mr. Susovan Sengupta, Adv.,
Mr. Subir Pal, Adv.

...for the State respondents.

By consent of the parties, the appeal and the connected application are taken up together for hearing.

The writ petitioners/appellants approached the learned Single Judge with the grievance that compensation for acquisition of land belonging to their predecessors-in-interest has not been paid to them.

Submission was made before the learned Single Judge on behalf of the State that the Collector had issued a notice dated December 14, 2016 to the writ petitioner no.1 inviting her to accept the compensation. It was further submitted on behalf of the State that there are private disputes between the writ petitioners and other co-sharers as regards who is entitled to receive the compensation.

Recording such submission, the learned Judge observed that since factual disputes are involved, the writ petition is not maintainable and the writ petition was accordingly dismissed. Being aggrieved, the writ petitioners are before us by way of the instant appeal.

We have heard learned Counsel for the parties.

Mr. Sengupta, learned Advocate for the State, on instruction, submits that if the writ petitioner no.1, namely, Snehalata Mandal, approaches the Collector with documentary evidence of her entitlement to receive compensation, her share would be paid to her.

Mr. Manna, learned Advocate appearing for the writ petitioners/appellants, has no objection if such an order is passed.

Accordingly, we dispose of this appeal being F.M.A. 184 of 2022 and the connected application being IA No: C.A.N. 1 of 2022 by granting liberty to the writ petitioner/appellant no.1, namely, Snehalata Mandal, to approach the Collector with documentary evidence of her entitlement to receive compensation. If she so approaches then the Collector shall forthwith release in her favour, her share of the compensation.

Let urgent Photostat certified copies of this order, if applied for, be made available to the parties upon compliance with all necessary formalities.

(Rai Chattopadhyay, J.)

(Arijit Banerjee, J.)