

WPA 21343 of 2021

Ashok Sen
Vs.
Union of India & Ors.

Mr. Siddhartha Banerjee,
Mr. Kaushik Chowdhury,
Mr. Debasish Roy Choudhury,
Mr. P. K. Goswami,
...for the petitioner.

Mr. Jishnu Chowdhury,
Ms. Sreya Basu Mallick,
Mr. Ankit Dey,
Ms. Shrijita Mitra,
...for the respondent no.2.

Mr. Ansar Mondal,
Mr. Rudranil De,
...for the State.

Affidavit in reply submitted by the 2nd respondent and copy of a judgment passed by a coordinate Bench of this Court are taken on record.

Heard learned counsels for the parties.

The petitioner claims compensation to the tune of Rs.5 lakhs as resident of the building which was affected/collapsed during construction of the East-West Metro Railway.

Per contra, learned counsel for the Metro Railways places reliance on the minutes of the Core Group meeting on implementation of the rehabilitation measures for the residents of Bowbazar Street, Kolkata held on 5th September, 2019, wherein it is recorded that compensation to the tune of Rs.5 lakhs shall be paid by the authority to each affected family including house

owners/tenants and shop owners living in the subsidence affected buildings. Learned counsel also refers to a judgment passed by a coordinate Bench of this Court on 13th September, 2021 in WPA 12602 of 2021 wherein the Court has recorded as hereunder:

“Evidence presented before this Court by the KMRCL is indeed conclusive that the petitioner may not have resided in the premises at all.

This Court is, therefore, of the view that the writ petitioner is not entitled to any compensation as claimed by her in the writ petition. The writ petitioner shall, however, be entitled to get her building repaired the KMRCL.”

The petitioner submits that he was ordinarily residing in the premises in question when the incident occurred.

The said contention of the petitioner is disputed by learned counsel for the Metro Railway authority who submits that in view of the fact that the petitioner was not residing at the premises at the relevant time, he is not entitled to compensation as claimed.

Upon consideration of the submissions made on behalf of the parties and material on record, this Court is of the view that as the petitioner claims to have been residing in the premises in question at the relevant time, he should be granted liberty to approach the State authorities and the Kolkata Municipal Corporation with

relevant documents to substantiate his claim before the authority.

Accordingly, the WPA 21343 of 2021 is disposed of. There shall however, be no order as to costs.

The petitioner is at liberty to approach the authority with relevant documents in support of his claim within two weeks from date.

It is hoped and expected that the concerned authority shall deal with the claim of the petitioner and come to a reasonable conclusion as expeditiously as possible.

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.)