

Sl No.69
10.03.2022.
Ct No. 2

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction
(Via Video Conference)**

**WPA 509 of 2022
Sudesh Singha & Ors.
-versus
Union of India & Ors.**

Ms. Esha Acharya
... for the petitioners.

Mr. Sudipto Kumar Majumder, ASG
Mr. Debanjan Das
Mr. Arjit Dutta Joardar
... for the Union of India.

Mr. Bikramaditya Ghosh
Ms. Bedashruti Bose
... for the State.

The petitioners claim to be the owners of a piece and parcel of land measuring 1.04 acre, situated at Mouza-Putimati, J.L. No. 100, R.S. Old Plot Nos. 112, R.S. Khatiyani Nos. 8 & 9 under Naxalbari Block, District-Darjeeling, West Bengal.

They allege that the land in question is forcefully occupied by the Air Force Authority without paying due compensation for the same.

It has been submitted that the land in question was not subjected to any acquisition proceeding and no

notification under Sections 4 & 6 of the Land Acquisition Act, 1894 was ever served upon either the petitioners or their predecessor-in-interest.

The land in question is presently being possessed by the Air Force Station Bagdogra, 20 Wing, C/O 99 APO.

The petitioners pray for payment of compensation on account of utilizing their land without any authority of law.

The petitioners claim to have made representation before the District Magistrate, Darjeeling and allege that the said representation has not been taken up for consideration till date.

In view of the above, the instant writ petition is disposed of by granting leave to the petitioners to apply before the appropriate authority with their prayer for payment of compensation along with all the relevant details of the land in question.

In the event, such a representation is made, the same shall be considered by the concerned authority strictly in accordance with the law at the earliest.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

Sh

(Amrita Sinha, J.)