

July 19, 2023
ARDR
(11)

WPA 1950 of 2023

Md. Amin
Vs.
The Union of India & Ors.

Adv. Sayak Chakraborti, Adv. Anish Kumar Mukherjee, Adv. Wrickbrata Roy,	...for the petitioner.
Adv. Rini Bhattacharyya,	...for the DFCCIL.
Adv. Ravi Ranjan Kumar,	...for the UOI.
Adv. Md. T. M. Siddiqui, Adv. Suddhadev Adak,	...for the State.

Instructions submitted on behalf of the State respondents is taken on record.

Heard learned counsels for the parties.

The grievance of the petitioner is that though his land was acquired by the railway authority for Eastern Dedicated Freight Corridor Project vide L.A. case no. 75/2013-14 (DFC), no compensation was paid to the petitioner for the same. The petitioner sent a demand notice upon the concerned authority through his learned counsel on 18th November, 2022 which has also not been considered.

It is submitted on behalf of the State respondents that notice under Section 20 F(4) of the Railway Act, 1989 was issued to all the interested persons including the petitioner and since the petitioner was unable to substantiate his claim in respect of the plots in question,

no compensation could be granted to him by the authority. The entire amount of Rs.35,777,53/- has been deposited in the Court of the learned District Judge, Paschim Burdwan as per the provisions of Section 20H(4) of the Railways (Amendment) Act, 2008.

In view of the above, the petitioner seeks to approach the learned Civil Court to substantiate his claim for receipt of his compensation.

Accordingly, the writ petition is disposed of with liberty to the petitioner to approach the appropriate Civil Court for redressal of his grievance.

In the event the petitioner approaches the Civil Court within fifteen days from date, the learned Court shall deal with the application of the petitioner on merits without dismissing the same on the ground of limitation.

The Civil Court is requested to consider the prayer of the petitioner and dispose of the same as expeditiously as the business of the Court would permit.

With the above directions, WPA 1950 of 2023 is disposed of.

There shall however, be no order as to costs.

Urgent certified website copy of this order, if applied for, be furnished to the parties on usual undertakings.

(Suvra Ghosh, J.)