

25.04.2023
rc/ct.no.10
Item No.22

WPA No. 7931 of 2022
Dharamnath Singh
Versus
Eastern Coalfields Limited & Anr.

Mrs. Debasree Dhamali
Mrs. Riya Ghosh ...for the petitioner

Mr. Chandi Charan De
Mr. Anirban Sarkar ...for the State

Syed Nurul Arefin
Mr. Rahul Singh
Mr. Rashmi Binayak ...for the respondent nos. 1 to 5

The petitioner complains that a portion of his land has been utilised by the Eastern Coalfields Limited (“ECL” in short) by excavating the soil resulting in continuous soil erosion. The petitioner has claimed rent compensation from the ECL for utilisation of his land.

Placing reliance of the report in the form of affidavit submitted on behalf of the 3rd respondent learned counsel for the ECL submits that admittedly an area of 120 sq. ft. of the petitioner’s land was utilised by ECL by raising an asbestos shed for a transformer room. The shed has been removed and the land returned to the petitioner in its original form.

Learned advocate for the ECL also submits that such mistake happened due to the fault and negligence of the contractor of ECL.

Since encroachment upon the petitioner’s land has been admitted by the ECL, ECL is directed to pay rent

compensation to the petitioner for such encroachment within two months from the date of communication of this order.

Such rent compensation shall be assessed by the authority upon serving notice upon the petitioner and hearing him on the issue.

With the above observations and directions this 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)