

11.04.2023
Item No.23
gd/ssd

WPA(P)/195/2021
PRASENJIT BOSE
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. Saptarshi Banerjee
... for the petitioner.

Mr. Avishek Prasad
... for the State.

1. By this public interest litigation the petitioner seeks to espouse the plight of the persons who had lost their crop on account of the Yaas Cyclone though the relief sought for by the writ petitioner is to set aside the portion of the scheme relating to the compensation under the heading "loss of crop". By efflux of time we are of the view that no useful purpose would be served by examining as to whether the particular clause in the compensation scheme should be rescinded, modified or cancelled. Though the writ petitioner has raised many concerns, he has failed to point out even by way of illustration as to any of the persons who despite having suffered loss of crops have not been given the compensation on account of non-production documents to show that they are owners of the land.

2. It is submitted by the learned Advocate for the petitioner that there are many victims who have cultivated on the lands owned by other persons by virtue of grant of permission by the land owners which are mostly oral permissions and have lost their crops due to the cyclone.

3. In any event, this issue cannot be examined here in the writ proceedings by way of exchange of affidavit but can be examined by the appropriate authority of the Department of Agriculture or the concerned authority before whom the claim for compensation has to be laid.

4. Therefore, we would direct the 2nd respondent, namely, the Secretary of the Department of Agriculture, Government of West Bengal to issue appropriate guidelines as rightly pointed out by the learned Government counsel appearing for the respondent. The aggrieved persons who have lost their crops are not before the Court nor the public interest litigant who was filed this writ petition has brought out any positive instance of any person whose claim has been rejected on the ground that he is not the owner of the land. Therefore, on such vague averments we cannot issue the direction as sought for in the writ petition.

5. However, bearing in mind, that if there is a genuine claim made by a person who has made cultivation in a land owned by another person with the permission of the land owner and has lost the crops on account of the Yaas Cyclone, his application for compensation is to be considered by the appropriate authority who shall examine such application on a case to case basis and pass a reasoned order.

6. With the above observation, the writ petition stands disposed of.

(T. S. SIVAGNANAM)
ACTING CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)