

22.09.2023
rc/ct.no.10
Item No.18

WPA No. 11267 of 2023
Sambhu Nath Ghosh & Anr.
Versus
The State of West Bengal & Ors.

Mr. Soumik Ganguli
Mr. Dilip Kumar Sadhu
Mr. Lal Ratan Mondal
Ms. Chandana Chakraborty ..for the Petitioners

Mr. Sukumar Bhattacharyya
Mrs. Oindrila Chatterjee
Mrs. Puja Sonkar
....for the Respondents No. 4&5

Mr. Priyobrata Batabyal ...for the State

Heard learned counsels for the parties.

The petitioners complain that the Eastern Railway has taken over possession of 40.5 decimals of land out 94 decimals in RS/LR Plot No. 457, Mouza – Alipur, Khatian Nos. 1179 and 1182, J.L.No. 216, Police Station – Memari, District Purba Burdwan belonging to the petitioners. The petitioners have prayed for a joint field inspection to ascertain whether the said 40.5 decimals of land has been acquired by the Eastern Railway and in the event the result is in the positive, petitioners pray for direction upon the Eastern Railway to grant compensation to the petitioners in terms of Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Learned counsel for the Eastern Railway submits that the plot in question has not been acquired by the respondents. Learned counsel also submits, on instructions, that the writ petition may be disposed of in terms of prayer (a).

In view of the above, this Court is inclined to hold that no fruitful purpose shall be served by keeping this writ petition pending. The writ petition is allowed in terms of prayer (a).

If upon joint inspection, it is found that the land has not been acquired by the respondent and is in possession of the respondents, the railway authority shall release the land in favour of the petitioners and make over possession of the same to the petitioners forthwith.

The entire exercise shall be completed by the authority within two months from the date of communication of this order.

With the above observation and direction 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)

