

05.12.2023
Item No.35
Court No.11
Avijit Mitra

WPCT 115 of 2023

In re: An application under Article 226 of the Constitution
of India;

And

Sri Bijoy Sarkar
- Versus -
The Union of India & ors.

Ms. Pampa Dey (Dhabal),
Mr. Nikhil Kr. Gupta,
Mr. Krishna Deo Das
.....for the petitioner
Mr. Pulakesh Bajpayee,
.....for the respondents

The present writ petition has been preferred
challenging an order dated 23rd December, 2022 passed
by the learned Tribunal in the original application being
OA No.350/405/2021.

Ms. Dhabal, learned advocate appearing for the
petitioner submits that the land belonging to the
petitioner was acquired for Tarakeswar and Bishnupur
New B.G. Line project and he was dispossessed from the
concerned plot of land in the year 2012 itself in lieu of a
nominal compensation. Subsequent thereto, the
petitioner submitted several representations to the
competent authority for consideration of his claim for
appointment under land losers' scheme but in vain.
Persons similarly situated have already been granted
appointment under the said scheme but a different

yardstick has been applied in case of the petitioner. Challenging such inaction and arbitrariness, the petitioner approached the learned Tribunal and instead of issuing mandatory directions upon the respondents to grant appointment to the petitioner, the matter was relegated again to the competent authority for consideration. The issue of discrimination, as urged, was glossed over by the learned Tribunal and no finding was returned on the same. Such infirmity warrants interference of this Court.

Mr. Bajpayee, learned advocate appearing for the respondents denies and disputes the contention of the petitioner and submits that the order impugned has not caused any prejudice to the petitioner and the same does not suffer any infirmity.

Heard the learned advocates appearing for the respective parties and considered the materials on record.

By the order impugned the learned Tribunal had disposed of the original application with a direction upon the respondents to re-examine the petitioner's case in the light of the relevant circulars and without being influenced by the earlier decisions.

We do not find any error, least to say any patent error of law in the order impugned. The said order does not suffer from any jurisdictional error or any substantial failure of justice warranting interference of this Court.

The writ petition is, accordingly, dismissed.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(Gaurang Kanth, J.)

(Tapabrata Chakraborty, J.)