

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction**

31 20.09.2023
 Ct. no. 2
 SK.

WPA/1092/2021

SMT MAMATA
SARKAR(BHADURI) AND ANR.
VS
Union of India AND ORS.

Mr. Arjun Samanta
 ...for the petitioner
Mr. Subir Kumar Saha
Mr. Hirak Barman
 for the State
Mr. Supriya Singh
 for the respondent NHAI

The grievance of the petitioner is for compensation in respect of purported acquisition of the land belonging to the petitioner. It is submitted on behalf of the petitioner that the land of the petitioner has been acquired in a proceeding initiated by the respondent Authorities and the petitioner has not received any compensation in respect of the acquisition proceedings. Accordingly, the respondents are bound to compensate the petitioner in respect of the subject acquisition proceedings.

On behalf of the respondents it is contended that no portion of the land belonging to the petitioner has been acquired. It further

appears from the Report in the form of affidavit filed by the respondent Authorities that the owners of the plots of land situated whose share of land measuring about 1.42 acres at R.S. Dag no. 2420, 2424, 2425, 2426, 2428 corresponding to L.R. Dag no. 5825, L.R. Khatian No. 283, Mouza – Kholta, District – Cooch Behar have been duly compensated in respect of the subject acquisition proceedings.

It is further contended that during the survey exercise, the occupants who were found to be in possession of the said plot in question, after having their land being acquired by the NH-31, have been duly compensated. The exact particulars of the acquisition process have been morefully summarized in the Report filed on behalf of the Special Land Acquisition Officer.

In view of the unequivocal stand of the respondent authorities that no acquisition proceedings have been initiated in respect of the land belonging to the petitioner, there is also no scope of passing any order for compensation.

In such circumstances, WPA/1092/2021 stands dismissed.

(Ravi Krishan Kapur, J.)