

AD-8
Ct No.01
Jalpaiguri
20.09.2023
SP

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

**MAT 78 OF 2023
IA NO: CAN 1 OF 2023**

SUBODH GHOSH AND ANR.
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. Bapi Sarkar
Mr. Dhananjay Nayak
Mr. Debanshu Modak

.....for the appellants

Mr. Hirak Barman
Mr. Momenur Rahman

.....for the State

Mr. Ajoy Kumar Singhania

. . . . for the respondent no.5

1. Learned counsel for the appellants argues that the learned Trial Judge failed to take into consideration that the suit which is pending at the behest of the appellants relates to a different property than that which has been acquired and for which the appellants pray for compensation. Learned counsel places reliance on the schedule of the plaint and RTI replies obtained by the appellants on such score.
2. Learned counsel for the respondent authorities submits that the Airport Authority has already given a reply to the appellants' representation. It is

contended on behalf of the State that the property was acquired much prior to the alleged purchase by the appellants and, as such, the appellants are not entitled to any compensation whatsoever.

3. Be that as it may, we find from the impugned order that the learned Trial Judge was of the opinion that since a disputed question of fact is involved, the Writ Court ought not to interfere. On such premise, the writ petition was dismissed.
4. Upon a perusal of the documents annexed to the application, we agree with the opinion of the learned Trial Judge, in so far as it is to be ascertained as to what rights the appellants actually have to the property which has been acquired, if any; and secondly, it is also to be looked into as to whether the property which has been acquired and for which compensation is sought by the appellants falls within the purview of the subject matter of the pending suit.
5. In any event, since the Airport Authority has already replied to the appellants on such score, it would not be prudent for the Writ Court to interfere in the matter at this stage. Hence, we find no reason to interfere with the order of the learned Trial Judge.
6. Accordingly MAT 78 of 2023 along with CAN 1 of 2023 are dismissed without any order as to costs. Nothing

in this order, however, shall preclude the appellants from approaching the appropriate forum for raising the dispute regarding compensation, if any, if the appellants are aggrieved by non-grant of compensation to them.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)