

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
Constitutional Writ Jurisdiction
Appellate Side**

Present :

The Hon'ble Justice Bibek Chaudhuri.

W.P.A. 2618 of 2022

Abhoy Chandra Sarkar

-Versus-

The State of West Bengal & Ors.

**For the Petitioner : Mr. Subinay Dey, Adv.
Mr. Debanjan Das, Adv.**

**For N.F.Railway : Mr. Sudipto Kumar Mazumdar, Adv.
Mr. Ajoy Kumar Singhnia, Adv.**

**For the State : Mr. Bikramaditya Ghosh, Adv.
Mr. Pretom Das, Adv.**

Heard & Judgment On : 1st February, 2023.

The petitioner has approached this Court under Article 226 of the Constitution of India ventilating his grievance for non-payment of compensation against acquisition of land by respondent Nos.3,4,5 & 6.

It is submitted by the learned Advocate for the petitioner that final decision regarding payment of compensation shall be taken by respondent No.6.

Be that as it may, it is the grievance of the petitioner that the petitioner was the owner of a piece of land measuring about 0.03 acres situated in Mouza-Talliguri, being Khatian No.1399 under the jurisdiction of Kotowali Police Station in the District of Coochbehar. In

the year 2004, Government decided to acquire certain portion of land owned by the petitioner for the project of construction of railway line from New Maynaguri to Jogighopa in the District of Coochbehar. On 19th November, 2009, it was declared by the Government under Section 6 of the Land Acquisition Act that the land of the petitioner along with the other land holders was to be acquired. The petitioner has specifically stated the plot numbers and area of the land which has been acquired by the competent authority. However, the respondent authority has not taken any decision with regard to payment of compensation as yet in spite of repeated representations being made by the petitioner.

It is submitted by the learned Government Pleader that the respondent authority is to be given opportunity to consider whether the land in question was actually acquired or not and whether the petitioner entitled to get compensation against acquisition of land.

In view of such circumstances, the instant writ petition is disposed of directing the respondent No.6 to consider the instant writ petition as a representation made by the petitioner and to ascertain as to whether the land has been acquired or not.

If the land of the petitioner as mentioned in the writ petition is acquired, the respondent No.6 shall compute the amount of compensation with up to date interest which the petitioner is entitled to get and thereafter, take necessary step for payment of such compensation amount in favour of the petitioner.

With regard to computation of compensation, the respondent No.6 shall be guided by the Notification dated 9th February, 2016 published in the Gazette of India which runs thus:-

NOTIFICATION

New Delhi, the 9th February, 2016.

S.O. 425 (E).- *In exercise of the powers conferred by column no.3 of serial no.2 of the First Schedule read with sub-section (2) of section 30 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (No.30 of 2013), the Central Government, hereby, notifies that in case of rural areas, the factor by which the market value is to be multiplied shall be 2.00(two).*

[F.No. 13011/04/2015-LRD]

HUKUM SINGH MEENA, Jt. Secy.

The respondent No.6 shall consider if the above notification is applicable in the matter of computation of compensation.

Entire exercise shall be done within 2 months from the date of communication of this order.

The learned Advocate for the respondents is requested to hand over a copy of the instant writ petition to the respondent No.6 along with a server copy of this order for his communication, necessary action and compliance within a stipulated period of time.

The instant writ petition is accordingly disposed of.

However, there shall be no order as to costs.

(Bibek Chaudhuri, J.)

***Mithun
Ct No.2.
Sl No.9.***