

13.05.2024

Ct. no.654

Sl. No.288

ss

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)

W.P.A. 2654 of 2023
(specially assigned)

Gurucharan Singh Sardar
Vs.
Union of India & ors.

Mr. Niraj Gupta

... for the petitioner

Mr. Ashim Kumar Ganguly

Mr. Sombuddha Dutta

... for the State

Mr. Amal Kumar Datta

... for the Union of India

Ms. Manika Roy

Ms. Shinjita Ray

... for the N.H.A.I.

By the present writ petition the petitioner has sought for direction upon the respondent authorities for consideration of his representation dated 6th December, 2022 for releasing compensation in respect of the acquisition of property within Mouza Malti, Dag Nos.3042, 3024, 3077, 3071, 3181, J.L. No.78, Police Station Balarampur, District Purulia.

The petitioner's case in nutshell is that he has been issued notice under Section 3G of the National Highways Act, 1956 for appearing before the authority with relevant documents in L.A. Case No.47/2015/N.H.-32. Since no compensation was granted in favour of the petitioner he made representation for releasing of compensation in his

favour. However, till date no such compensation has been released. Hence, this writ petition.

Mr. Niraj Gupta, learned Advocate for the petitioner submits that the petitioner has been deprived of the compensation amount in respect of the property-in-question though notice under Section 3G of the National Highways Act, 1956 was issued to the petitioner. He seeks for appropriate direction upon the respondent for considering the representation made by the petitioner on 6th December, 2022 for releasing compensation in his favour.

Mr. Ashim Kumar Ganguly, learned Advocate for the State-respondent submits that the State-respondent has categorically stated that the petitioner is not a recorded *raiyat* in respect of any of the plots. The statement made by the State-respondent in its report about the status of the petitioner has not been denied in the exception and as such, it is undisputed fact that the petitioner does not have any interest as *raiyat* in the plots in question. Since the petitioner is not a recorded *raiyat*, he is not entitled to receive compensation and therefore, the question of consideration of representation of the petitioner does not arise at all. He submits for dismissal of the writ petition.

Ms. Monika Roy, learned Advocate for the respondent-N.H.A.I. also submits that the petitioner is not entitled to compensation in the absence of interest in the land in question.

The petitioner in his writ petition has claimed that he is in possession of the property in question by running a shop therein. In the report filed by the State-respondents it has been categorically stated that the petitioner is not a recorded *raiyat* in the plots in question. The statement made by the State-respondent as to the status of the petitioner has not been denied in the exception.

In the aforesaid backdrop, the prayer of the petitioner for consideration of his representation dated 6th December, 2022 for releasing of compensation falls short of merit.

In view of the above, the writ petition **WPA 2654 of 2023** stands dismissed.

All connected applications, if any, stand disposed of.

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

Interim order, if any, stands vacated.

All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

Urgent photostat copy of this order, if applied for, be given to the parties upon compliance of necessary legal formalities.

(Bivas Pattanayak, J.)