

29.07.2024
Sl. No. 22
AKG
Ct. No. 15

WPA 3229 of 2023

Sk. Fajrul Haque & Ors.

-vs-

The State of West Bengal & Ors.

Mr. Uttam Banerjee,
Mr. Rabi Ghosh,
Ms. Smritikana Ghosh.

...for the Petitioners

Claiming co-ownerships in respect of L.R. Dag No.1424, Ward No.18, under 24-Parganas (North), Halisahar Municipality, the petitioners pray for compensation for the alleged occupation of the said property by the Municipality.

The Municipality is not represented.

In paragraphs 4 to 9 of the writ petition, the petitioners have traced their title from the original owner of the land.

It appears that the Municipality in response to an application under the Right to Information Act, 2005, by a letter dated May 23, 2017, intimated to the petitioners that it had been in possession of the relevant land for the last 50 years. In the year 1972-73, the Municipality had initiated steps for constructing an overhead reservoir for water supply. Ultimately, in the year 2007, two water reservoirs were constructed on the land with the help of the Kolkata Metropolitan Development Authority for water supply. The southern portion of the remaining land has been utilised for the construction of a school under the

control of the District Magistrate.

It is not disputed that the Municipality has been in possession of the land for about 60 years and the land is being utilised for the public purpose.

The very claim of compensation, as prayed for in this writ petition, is based on the perceived co-ownership of the land by the writ petitioners.

The petitioners are not in possession of the land. Their names are not appearing in the Municipality records or in land records.

This Court is not in a position to determine the title of the petitioners over the land in question in absence of any supporting documents.

In the aforesaid facts, there is no scope to entertain the claim of the petitioners for payment of compensation.

Accordingly, **WPA 3229 of 2023** is dismissed.

(Kausik Chanda, J.)