

19.11.2024
Sl. No. 10.
D/L.
Mithun
Ct.No.39.

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA 10300 of 2014

**Sri Bhabasindhu Baidya
Vs.
The State of West Bengal & Ors.**

Mr. Mrinal Kanti Biswas,
Mr. Manish Biswas

..for the petitioner.

Mr. Sirsanya Bandopadhyay

...for the State respondents.

This writ petition has been filed for payment of compensation to the petitioner in respect of land comprised within Dag No.2766 under Khatian No.910/1 in Mouza Sulkuni Abad, J.L. No.75/76, Police Station-Hasnabad, Sub-Division: Basirhat, District: 24 Parganas (North).

The petitioner's case in nutshell is that for construction of embankment in the Sundarban area affected by AILA, the land of the petitioner was acquired. Since no compensation was paid to the petitioner, the petitioner made representation on 4th April, 2012 before the Additional District Magistrate and District Land & Land Reforms Officer, Barasat, 24-Parganas (North) for payment of compensation. However, the State authorities did not consider and dispose of the

representation of the petitioner dated 4th April, 2012. Hence, this writ petition.

Mr. Mrinal Kanti Biswas, learned Advocate appearing for the petitioner submits that the petitioner's land along with others were acquired by the State authorities for construction of embankment in Sundarban area affected by AILA. The petitioner made representation before the authority concerned for payment of compensation of the land acquired belonging to the petitioner. However, the State authorities have not made any payment. Being aggrieved by the inaction of the State authorities, the petitioner has preferred the present writ petition for payment of compensation. He seeks for appropriate order.

Mr. Sirsanya Bandopadhyay, learned Advocate appearing for the State respondents submits that the land of the petitioner was never acquired which would be evident from the contents of the representation itself. No notice was ever served upon the petitioner in respect of any acquisition of the land of the petitioner. The land of the petitioner was not affected as revealed from the schedule of land. Thus the petitioner is not entitled to receive any compensation as claimed. He also indicates that one Bikash Baulia whose land has been acquired measuring 19 decimals has already been paid compensation. He seeks for dismissal of the writ petition.

Upon hearing the learned advocates for the respective parties, the only issue, which has fallen for consideration, is whether the petitioner is entitled to receive compensation in respect of the land acquired.

As per the record of rights at page 17, annexure P-1 of the writ petition, the name of the petitioner is recorded in respect of Dag No.2766 under Khatian No.910/1 to the extent of 16 decimals of land. It is not in dispute that the land measuring 0.19 acres have been acquired in Plot No.2766. The schedule of land at page 19 of the report clearly indicates that the land of the petitioner was not affected. It manifest from page 18 of the report that the land of one Bikash Baulia within Khatian No.795/2 measuring 0.19 acres have been acquired. Further, the said Bikash Baulia whose land has been acquired have already been granted compensation as is revealed from page 21 of the report of the State-respondents. Moreover, the representation of the petitioner dated 4th April, 2012 also goes to show that the petitioner prayed that his land may be acquired by the State and, therefore, such statement clearly reveals that on the date of representation, there was no acquisition of land of the petitioner. Since there was no acquisition of the land of the petitioner, the question of the payment of compensation does not arise at all. In the aforesaid backdrop, the writ petition falls short of merit.

Accordingly, the writ petition being **WPA 10300 of 2014** stands dismissed.

All connected applications, if any, stand disposed of.

Interim order, if any, stands vacated.

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

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

(Bivas Pattanayak, J.)