

15.07.2024
Item No.02
Crt.No.02
b.r.

WPA 14487 of 2024

Sri Goutam Gorai
-vs-
The Union of India & Ors.

Mr. Malay Dhar
Mr. Shouvik Naskar
..... for the petitioner.

Mr. Soumitra Bandyopadhyay
Mr. Subhasis Bandyopadhyay
Mr. Priyabrata Batabyal
.... For the State-Respondents.

Mr. A.K. Dasgupta
Ms. Oishani Mukherjee
.... For the UOI/resp. no.1.

Mr. Syed Nurul Arefin
Mr. Syed Moneenul Arefin
Ms. Rashmi Binayak
... for the REsp. nos. 3, 4 to 6/ECL
Authorities.

Affidavit of service filed in Court today, is taken on record.

Mr. Malay Dhar, learned advocate appears for the petitioner.

Mr. Syed Arefin, learned counsel appears for respondent nos. 3, 4 to 6.

Mr. Priyabrata Batabyal, learned State counsel appears for respondent nos. 2, 7 to 9.

The petitioner submits that a portion of **Rayati land** has been acquired by the Coal Company but the compensation payable to the petitioner for such

acquisition, in accordance with law, has not been paid to the petitioner. The petitioner submitted its representation dated **February 26, 2024** claiming such compensation **annexure P-18 at page 132** to the writ petition. The petitioner had purchased the subject land by virtue of a registered conveyance deed on **April 19, 2021, annexure p-6 at page-67** to the writ petition.

Learned counsel appearing for the Coal Company denies and disputes the submissions made on behalf of the petitioner. He submits that the land came to the Coal Company by virtue of the **Coal Mines Nationalisation Act, 1973**, hence question of paying of any compensation to the petitioner does not arise. He further submits that only **0.3 acres of land** of the petitioner's predecessor-in-interest was supposed to be purchased by the Coal Company and not in entirety as claimed by the petitioner.

Learned State Counsel submits that the State has no information whether the subject land was acquired or not.

After considering the rival contentions of the parties and upon perusal of the materials on record to sub-serve justice, the petitioner shall serve a copy of the writ petition upon the **respondent no.6** once again who upon issuing a prior hearing notice of at least **seven days** to the petitioner and any other interested parties

including the jurisdictional State Authority and after affording them an opportunity of hearing shall dispose of the said representation dated **February 26, 2024**, as referred to above, by passing a reasoned order in accordance with law.

It is made clear that this Court has not gone into the merits of the rival claims of the parties and the parties shall be at liberty to urge whatever points they wish to urge by relying upon whatever records and documents they wish to rely upon before the **respondent no.6** but the same shall not travel beyond the scope of the said representation dated **February 26, 2024**.

The entire exercise as directed above shall be carried out and completed by the respondent no.6 positively within a period of **eight weeks** from the date of communication of this order. The respondent no.6 then shall communicate the reasoned order to the petitioner, appropriate State Authorities and other interested parties positively within a further period of **two weeks** from the date of the said reasoned order to be passed.

In the event, the reasoned order goes in favour of the petitioner, the appropriate authority of the Coal Company and/or the State Authority shall give an immediate effect thereto but positively within a period of

six weeks from the date of communication of the said reasoned order to such authorities in accordance with law.

It is made clear that this order shall not create any right or equity in favour of the petitioner, if the petitioner is not eligible to receive his claim **strictly** in accordance with law.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions, this writ petition, **WPA 14487 of 2024** stands **disposed of**, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)