

16.12.2024
Ct. no.2
SL. No. 7
Moumita

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 26556 OF 2024

Rupasi Hansda
Vs.
Union of India and Ors.

Mr. Debashis Sur
Mr. Hare Krishna Halder
....For the petitioners

Mr. Rabi Prosad Mookerjee
Ms. Runu Mukherjee
.... For Respondents nos. 1, 5, 6 and 8

Mr. Debashis Sur, learned counsel appears
for the petitioner.

Mr. Rabi Prosad Mookerjee, learned state
counsel appears for respondent nos. 1, 5, 6 and 8.

None appears for the state.

The grievance of the petitioner as would be
evident from the reliefs claimed in the writ petition
is that the land of the petitioner has been acquired
for public purpose. Compensation was determined
as would be evident for **page 22** to the writ petition
but has not been paid to the petitioner.

Relying upon **page 22** to the writ petition
learned counsel for the petitioner submits that the
compensation has not been properly determined
and not adequate, since the correct market value
has not been considered in accordance with law.

Relying upon a communication dated **August 30, 2024 from page 5** to the supplementary affidavit, petitioner submits that though hereunder was fixed for deciding the claim of the petitioner but no step has thereafter been taken.

Mr. Rabi Prasad Mookerjee learned counsel appearing for the requiring body railways submits that if the petitioner is aggrieved with the compensation already determined, her right to challenge is also there under the statute and the petitioner may exercise the same.

In view of the above, the respondent no. 3 is directed to determine whether any other interested party is there in respect of the self-same land who is also entitled to receive compensation and then after being satisfied with that, the respondent no. 3 shall release the compensation already determined as would be evident from **page 22** to the writ petition in favour of the petitioner and/or other interested parties, if any, thereto strictly in accordance with law but positively within a period of **six weeks** from the date of the communication of this order without prejudice to the rights and contentions of the petitioner and other interested parties, if any.

Its clarified that the petitioner and other interested parties, if any, shall receive the

compensation and accept the same without prejudice to their rights and contentions.

In the event, the petitioner and other interested party, if any, is then aggrieved with the determination of the said compensation they shall be at liberty to apply under **Sub-sections 6 and 7 to Section 20 F of the Railways Act, 1989** but positively within a period of **four weeks** from the date of receiving compensation and/or their respective shares from the respondent no. 3. In the event such proceeding is initiated by the land losers, the jurisdictional and appropriate authority shall come to its logical conclusion in accordance with law as expeditiously as possible.

It is made clear that in the event the records shows that compensation has already been paid to and receive by the land losers and/or the predecessors-in-interests of the petitioner, then further compensation shall not be paid to the petitioner or any other interested parties, if any. In that event, the respondent no. 3 shall positively initiate the necessary criminal proceeding against the petitioner for deliberately lodging a fraud and false claim on account of compensation payable to her positively within a period of **four weeks** from the date of such decision to be taken by the respondent no. 3 before the jurisdictional criminal

court and in that case the police authority shall render all necessary assistants to the respondent no. 3 to proceed expeditiously with the criminal case.

It is made clear that this order shall not create any right or equity in favour of the petitioner and other interested parties, if any, if they do not succeed to their respective claims in the arbitration proceeding before the appropriate authority 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 26556 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.)