

29.07.2024
Court No.09
Item no.16
CP

WPA No. 26828 of 2022

Smt. Sailya Bala Manna @ Shailabala Manna
Vs.
Union of India & ors.

Mr. Kushal Chatterjee
Mr. Subhasish Mitra
Mr. Shibjit Mitra

....for the petitioner.

The petitioner submits that the land of her ancestors had been acquired by the Railways. The Railways have a scheme under which appointment can be provided to land losers, who are affected by acquisition of any land, for railway projects.

The petitioner submits that the Scheme of July 16, 2010, issued by the Government of India, Ministry of Railways should have been made applicable in her case.

First and foremost, whether the petitioner belongs to an exempted category/land loser category is not available. Secondly, the writ petition does not disclose that any recruitment drive had been undertaken pursuant to the alleged acquisition of the land of the predecessor of the petitioner.

Under such circumstances, the writ petition is disposed of directing the General Manager, Eastern Railways to intimate the petitioner as to whether the petitioner was at all included in the list of land losers

and whether the Scheme of 2010 would be applicable. If necessary, the petitioner may also be heard.

Further, if the authorities find that the petitioner belongs to the category of land losers, the authority may also intimate the petitioner as to the procedure to be followed in case the petitioner seeks appointment in terms of the memorandum.

The authority shall issue such intimation to the petitioner within a period of three months from the date of communication of this order.

The petitioner shall supply a copy of the writ petition along with the server copy of this order to the respondent no. 2, to enable the respondent no. 2 to comply with this order.

This court has not gone into the merits of the claims.

The writ petition is accordingly disposed of.

There shall be no order as to costs.

All parties are to act on the basis of server copy of this order.

(Shampa Sarkar, J.)