

29.01.2025
Court No.13
Item Nos.11 & 12
AP

FMA 464 of 2001
With
CAN 1 of 2001 (Old No: CAN 1339 of 2001)
With
CAN 4 of 2024
With
CAN 5 of 2024
Calcutta Metropolitan Development Authority
Vs.
State of West Bengal and Ors.

With
FMA 465 of 2001
With
CAN 1 of 2001 (Old No: CAN 1338 of 2001)
With
CAN 3 of 2024
With
CAN 4 of 2024
Calcutta Metropolitan Development Authority
Vs.
State of West Bengal and Ors.

Mr. Sourav Sen
Mr. Madan Mohan Roy
Mr. Haripada Nayak

.... For the Petitioner/Applicant.

Mr. Satyajit Talukdar
Mr. Arindam Chatterjee

.... For the KMDA.

In Re.: **CAN 5 of 2024**
In
FMA 464 of 2001

1. Leave is granted to the learned advocate for the applicant to correct the cause title in CAN 5 of 2024 in so far as name of the father of the applicant is concerned, in course of the day.

2. CAN 5 of 2024 is an application made by one Sankhamala Mukherjee (Mitra), who was minor when

FMA 464 of 2021 was decided finally by a coordinate Bench of this Court on 13th December, 2004.

3. Pursuant to an interim order passed in the appeal, respondents/claimants were entitled to a compensation assessed ad hoc at Rs.5,000/- per cottah based on the concurrence of the appellant requiring body, the KMDA.

4. All the other respondents/claimants were permitted to withdraw the quantum of compensation to the extent of Rs.5,000/- per cottah from the Registrar General of this Court. The applicant could not be so allowed as she was minor when the appeal was disposed of.

5. The applicant attained majority in the meantime and is 35 years old as on date. She is also married. The appellant is therefore entitled to pursue the appeal as a regular respondent in her own name.

6. This Court has considered the order dated 14th January, 2004 and final judgement in the two appeals being FMA 464 of 2001 and FMA 465 of 2001 dated 13th December, 2004.

7. Accordingly, CAN 5 of 2024 is disposed of.

In Re.: **CAN 4 of 2024**
In
FMA 464 of 2001

8. As already indicated in the order passed in respect of CAN 5 of 2024 in FMA 464 of 2001 that all other respondents/claimants have withdrawn their ad hoc share as concurred to, by the appellant/requiring body/KMDA to the extent of Rs.5,000/- per cottah of their share in the land in question. The applicant's share has been required to be maintained by the Registrar General of this Court in an interest bearing account with a nationalized bank by this Court's order dated 14th January, 2004.

9. The Registrar General has deposited a sum of Rs.8,61,795/- on 16th March, 2004 with the United Bank of India, High Court Branch.

10. The applicant Sankhamala Mukherjee nee Mitra shall be entitled to the aforesaid sum of Rs.8,61,795/- together with all accrued interest immediately upon production of her bank particulars and documents of identity before the Registrar General of this Court.

11. Upon receipt of such particulars and a formal communication from the applicant, the Registrar General of this Court shall transfer the aforesaid sum of Rs.8,61,795/- together with all accrued interest to the bank account of the applicant Sankhamala Mitra now

known as Sankhamala Mukherjee as expeditiously as possible but not later than a period of ten days from the date of receipt of a copy of this order.

12. The Said Sankhamala Mitra now known as Sankhamala Mukherjee shall be bound by the statutory indemnity required to be furnished and shall be deemed to be under statutory indemnity once she receives the aforesaid sum of money.

13. With the aforesaid direction, CAN 4 of 2024 in FMA 464 of 2001 is disposed of.

**In Re.: CAN 4 of 2024
With
FMA 465 of 2001**

14. Leave is granted to the learned advocate for the applicant to correct the cause title in CAN 4 of 2024 in so far as name of the father of the applicant is concerned, in course of the day.

15. CAN 4 of 2024 is an application made by one Sankhamala Mukherjee (Mitra), who was minor when FMA 465 of 2021 was decided finally by a coordinate Bench of this Court on 13th December, 2004.

16. Pursuant to an interim order passed in the appeal, respondents/claimants were entitled to a compensation assessed ad hoc at Rs.5,000/- per cottah based on the concurrence of the appellant requiring body, the KMDA.

17. All the other respondents/claimants were permitted to withdraw the quantum of compensation to the extent of Rs.5,000/- per cottah from the Registrar General of this Court. The applicant could not be so allowed as she was minor when the appeal was disposed of.

18. The applicant attained majority in the meantime and is 35 years old as on date. She is also married. The appellant is therefore entitled to pursue the appeal as a regular respondent in her own name.

19. This Court has considered the order dated 14th January, 2004 and final judgement in the two appeals being FMA 464 of 2001 and FMA 465 of 2001 dated 13th December, 2004.

20. Accordingly, CAN 4 of 2024 is disposed of.

In Re.: CAN 3 of 2024
With
FMA 465 of 2001

21. As already indicated in the order passed in respect of CAN 4 of 2024 in FMA 465 of 2001 that all other respondents/claimants have withdrawn their ad hoc share as concurred to, by the appellant/requiring body/KMDA to the extent of Rs.5,000/- per cottah of their share in the land in question. The applicant's share has been required to be maintained by the Registrar General of this Court in

an interest bearing account with a nationalized bank by this Court's order dated 14th January, 2004.

22. The Registrar General has deposited a sum of Rs.8,61,795/- on 16th March, 2004 with the United Bank of India, High Court Branch.

23. The applicant Sankhamala Mukherjee nee Mitra shall be entitled to the aforesaid sum of Rs.8,61,795/- together with all accrued interest immediately upon production of her bank particulars and documents of identity before the Registrar General of this Court.

24. Upon receipt of such particulars and a formal communication from the applicant, the Registrar General of this Court shall transfer the aforesaid sum of Rs.8,61,795/- together with all accrued interest to the bank account of the applicant Sankhamala Mitra now known as Sankhamala Mukherjee as expeditiously as possible but not later than a period of ten days from the date of receipt of a copy of this order.

25. The Said Sankhamala Mitra now known as Sankhamala Mukherjee shall be bound by the statutory indemnity required to be furnished and shall be deemed to be under statutory indemnity once she receives the aforesaid sum of money.

26. With the aforesaid direction, CAN 3 of 2024 in FMA 465 of 2001 is disposed of.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)