

Sl.10
05.03.2025
Court No. 2
Moumita

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 3554 of 2025

**Kiran Devi
Vs.
Union of India & Ors.**

**Mr. Gourav Banerjee
....for the Petitioner**

**Mr. Lalit Mohan Mahata
Mr. Prasanta Behari Mahata
... for the State**

**Mr. Pinaki Ranjan Chakrabarty
Mr. Anindya Sundar Das
....for the Union of India**

**Mr. Satyendra Agarwal
....for the Respondent nos. 5 to 8**

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

Mr. Gourav Banerjee, learned advocate
appears for the petitioner.

Mr. Lalit Mohan Mahata, learned Advocate
appears for the state.

Mr. Pinaki Ranjan Chakrabarty, learned
Advocate appears for the Union of India.

Mr. Satyendra Agarwal, learned Advocate
appears for the respondent nos. 5 to 8.

The petitioner's land had been acquired
under the relevant provisions of the ***Railways***

Act, 1989 (for short Railways Act). Compensation was determined but the petitioner is aggrieved therewith.

Being aggrieved with the said determination of compensation, as according to the petitioner is not adequate in accordance with law, the petitioners submitted representations at **pages 56 and 58** to the writ petition and prays for consideration of the same.

Learned Advocate appearing for the respondents jointly have taken the point of maintainability of this writ petition, as the petitioner has to invoke the arbitration proceeding as provided under **Sub-Section 6 to Section 20-F of the Railways Act** read with **Sub-Section 7** thereunder.

After hearing the rival contentions of the parties and upon perusal of the materials on record, this court accepts the preliminary objection raised on behalf of the respondents.

Accordingly, the petitioners shall be at liberty to apply under **Sub-Section 6 to Section 20-F of the Railways Act** within a period of **four weeks** from date.

In the event, such an application has been filed the Central Government shall appoint arbitrator positively within a period of **two weeks**

from the date of receiving such application. The learned arbitrator then shall commence the reference positively within a period of **two weeks** from the date of his communication of appointment by the Central Government upon notice to the parties thereto.

The learned arbitrator then shall hold the reference and come to a reasonable conclusion after granting opportunity of hearing to the parties to the arbitration and by passing a reasoned award in accordance with law as expeditiously as possible.

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 he wishes to urge by relying upon whatever records and documents he wishes to rely upon before the learned arbitrator.

Further made clear that this order shall not create any right or equity in favour of the petitioner, if the petitioner does not succeed to prove his claim strictly in accordance with law.

It is also to be noted that the learned arbitrator at the threshold shall consider as to the eligibility of the petitioner to claim compensation in connection with the acquired land, as a preliminary issue.

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 3554 of 2025** stands ***disposed of***, without any order as to costs.

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

(Aniruddha Roy, J.)