

**IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE**

12.03.2025  
Ct. no.2  
Sl. 21  
Moumita

**WPA 4323 of 2025**

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**Binode Behari Mondal**

**Vs.**

**Union of India & Ors.**

**Mr. Sk. Rejaul Alam**

**.... For the Petitioner**

**Mr. Dhiraj Kr. Trivedi,**

**Ld. Deputy Solicitor General**

**Ms. Tanusree Ghosh**

**... For the Respondents**

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

Mr. Sk. Rejaul Alam, learned advocate appears for the petitioner.

Ms. Tanusree Ghosh, learned Advocate led by Mr. Dhiraj Kr. Trivedi, learned Deputy Solicitor General appears for the respondents. The appropriate authority shall regularize the appearance of Ms. Tanusree Ghosh learned Advocate forthwith.

The petitioner allegedly claims compensation in respect of an acquired land which according to the petitioner was a joint property of the petitioner along with other family members. The property was never partitioned at the time of acquisition.

In the aforesaid situation, the petitioner and other co-owners submitted representations. The representation of the petitioner is dated **February 24, 2024 annexure p-3 at page 20** to the writ petition. The railway authority has decided the representation already and communicated the decision through a communication dated **January 21, 2024 annexure p-4 at page 22** to the writ petition.

The petitioner contends till now compensation has not been paid.

The communication of the railway authority dated **January 21, 2024** shows several information and records were called for by the railway authority for considering the case of the petitioner.

Learned Deputy Solicitor General submits, on instruction, that till date all such information and documents have not yet been furnished before the railway authorities by the petitioner. Hence, without those information and documents claim of the petitioner cannot be considered in the eye of law.

In view of the above, the petitioner shall produce all the necessary information and documents strictly in compliance with the requisition made by the railway authority in its said letter dated **January 21, 2024 annexure p-4 at page 22** to the writ petition within a period of **four weeks** from date before the appropriate

authority of the railways for considering his claim by the respondent no. 3.

Subject to receiving such information and document in terms of the said communication dated **January 21, 2024**, the respondent no. 3 upon granting an opportunity of hearing to the petitioner shall decide the issue by passing a reasoned order in accordance with law.

In the event, the reasoned order goes in favour of the petitioner then all necessary and consequential steps shall be taken by the appropriate and jurisdictional railway authorities expeditiously.

If it is found from record that compensation has already been paid in respect of the self-same chunk of land in favour of the actual land losers at the relevant point of time, then there shall be no question of making any further payment of compensation.

It is made clear that this order shall not create any right or equity in favour of the petitioner, if the petitioner does not succeed to his claim before the respondent no. 3 strictly in accordance with law.

The entire exercise shall be carried out and completed by the respondent no. 3 positively within a period of **six weeks** from the date of receiving information and records from the petitioner and the reasoned order shall immediately be communicated to the petitioner **within a week** thereafter.

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 4323 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.)**