

ML 595
01.07.2025
d.p.

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

W.P.A 19464 of 2024

**Surjakanta Senapati & Anr.
-versus
The General Manager, South Eastern
Railway & Ors.**

**Mr. A.N. Misra,
Mr. S. Israfil.
...For the Petitioners.**

**Mr. Bishwambhar Jha,
Ms. Munmun Mishra.
...For the Respondent
Nos. 1 & 2.**

1. The petitioners are minors and are represented by their father Dipak Kumar Senapati.

2. The grievance of the petitioners is that compensation has not been paid in their favour despite their names being mentioned in the notice of acquisition of land.

3. Learned advocate appearing on behalf of the Union of India is yet to receive instruction in the matter.

4. It appears from the documents annexed to the writ petition that the father of the petitioner Dipak Kumar Senapati filed an application under the Right To Information Act and the authority intimated the father of the petitioners that "the entire land of 4.37 decimals was acquired from one Dipak Kumar Bera son of Bimal Kumar Bera on payment of Rs.26,838/- and no apportionment was acquired from the minor sons as per the relevant record of rights". The claim for compensation has not been found to be tenable.

5. The petitioners thereafter filed a representation through their learned advocate which is pending consideration till date.

6. The petitioners have annexed to the writ petition copy of the record of rights wherein the names of the petitioners Surjakanta Senapati and Chandrakanta Senapati are recorded.

7. Without going into the issue as to whether the petitioners would be entitled to receive compensation on account of acquisition of land at this stage, as it appears that a representation on behalf of the petitioners is pending consideration at the end of the authority, accordingly, the instant writ petition is disposed of by directing the Deputy Railway Manager, Kharagpur Division being the respondent no.2 herein to take a decision on the prayer made on behalf of the petitioners in accordance with law, after giving a reasonable opportunity of hearing to all the necessary parties by passing a reasoned order at the earliest but positively within a period of twelve weeks from the date of communication of this order.

8. If the claim of the petitioners is found to be proper, then necessary remedial steps shall be taken by the authority without any delay.

9. Learned advocate for the petitioners is directed to forward a copy of the legal representation along with all supporting documents to the aforesaid respondent at the time of communicating the order of the Court.

10. The writ petition stands disposed of.

11. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)