

21.04.2025.
PB
Sl. No.9.
Ct. No.25.

WPA 23042 of 2024

Smt. Sonali Sikder
Vs.
Union of India & Ors.

Mr. Debasis Kar,
Mr. Arka Chakraborty,
Mr. Husen Mustafi.
... For the Petitioner.

Mr. Pramod Kumar Drolia,
Ms. Runu Mukherjee.
... For the railways.

The writ petitioner has moved the present case principally seeking redress of her grievance that the plots of land owned by her, has been unduly and unauthorisedly encroached by the respondent/railways, without giving her an opportunity of hearing, without service of any notice and without providing any compensation for such alleged illegal and unauthorized take over of land.

The schedule of the property is as follows:-

Plot Nos.141 and 142, Khatian No.471, Mouza – Kautukpur, land amounting to 33 satak and 7 satak comprised within the plot numbers as mentioned above.

Mr. Kar, learned advocate for the writ petitioner has submitted that by dint of the deed of gift executed

in favour of the writ petitioner, the above mentioned plots of land were handed over to the writ petitioner and since thereafter that is, since December 10, 2003, the date of execution of the deed of gift, the writ petitioner has been the sole and absolute owner of the landed property as mentioned above, unencumbered in nature.

Allegedly, the respondent/railways have encroached/taken over the said two plots of land owned by the writ petitioner, without affording the writ petitioner any opportunity of hearing before such taking over/encroachment of the plots of land. Allegedly also that the respondent/railways has never allowed the writ petitioner any compensation money in lieu of taking over the land of the writ petitioner.

The respondent/railways have been represented in the present case by Mr. Drolia, learned advocate. He has submitted on the basis of a report in the form of an affidavit filed by the said respondent, that the said plots of land being Nos.141 and 142 within Mouza Kautukpur have never been encroached or taken over by the respondent/railways.

The report in the form of an affidavit, has been submitted in Court today. Let that be taken on record.

Considering the respective submissions of the learned lawyers for the parties as well as the records, the Court is of the considered opinion that firstly, on the basis of the report of the respondent/ railways, the

allegation of the writ petitioner cannot be said to be sustainable. Secondly, the dispute, if any, between the parties, appear to be civil in nature for which the writ court shall have no jurisdiction to adjudicate the same.

For the reasons as above, the Court finds no scope to take up the present matter for adjudication.

Hence, the writ petition being WPA 23042 of 2024 is dismissed.

(Rai Chattopadhyay, J.)