

01.07.2025
Item No.14 to 16
Court No.01
SK(AR(CR)

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri**

**WPA/689/2020
IA NO: CAN/1/2024**

**SRI NARAYAN CHANDRA PAUL
VS
STATE OF WEST BENGAL AND ORS**

**With
WPA/686/2020**

**SRI CHANDRESHWAR MAHATO
VS
STATE OF WEST BENGAL AND ORS**

**With
WPA/690/2020**

**SRI DHIREN NANDI
VS
STATE OF WEST BENGAL AND ORS**

Mr. Sandip Mandal,
Mr. Amit Saha,
...for the petitioner

Mr.Hirak Barman,
Mr. B. Bose,
...for the respondent
Mr. Raja Saha,
Mr. Subham Chanda,
....for SJOA.

This revisional application is directed
against alleged non-payment of compensation.

It is submitted on behalf of the writ
petitioner that notwithstanding his premises
having been acquired by the State they have
not received any compensation.

On behalf of the respondent no. 3 being
the Siliguri Jalpaiguri Development Authority,
it is submitted that by a communication dated

28 March, 2018, the Land Acquisition Department had categorically examined the respective claim of compensation made in the above petitions by the petitioners and rejected the same on the ground that the same could not be substantiated.

Ordinarily, in a petition under Article 226, the High Court has jurisdiction to try issues both of fact and law. It is true that exercise of discretion must be on sound judicial principles. Thus, rejection of a petition in *limine* will normally be justified, only where the nature of the claim or dispute requires elaborate and detail ascertainment of facts and adducing of evidence which cannot be carried out in a summary proceeding. [*Gunwant Kaur v. Municipal Committee, Bhatinda*, (1969) 3 SCC 769].

In view of the factual disputes which arises for consideration and the rival claims and counter claims made, there is no scope to determine the same in such proceedings. The claim for compensation would require an elaborate fact finding exercise including tracing of tile in respect of the subject premises.

WPA 689/2020, WPA/686/2020 and WPA/690/2020 stand dismissed on the ground of maintainability.

Liberty is granted to the petitioner to file a fresh proceeding before an Appropriate Forum, if so advised in accordance with law.

It is made clear that there has been no adjudication insofar as the merits of the case are concerned and all issues are left open to be decided in accordance with law.

All connected applications including CAN/1/2024 also stands disposed of as infructuous.

(RAVI KRISHAN KAPUR, J.)