

**In the High Court at Calcutta
Civil Appellate Jurisdiction
Appellate Side**

**The Hon'ble Mr. Justice Sabyasachi Bhattacharyya
And
The Hon'ble Mr. Justice Supratim Bhattacharya**

**F.M.A. 1449 of 2025
IA No: CAN 1 of 2025**

**Lakshmi Rani Dinda and others
Vs.
The Union of India and others**

For the appellants/writ petitioners	:	Mr. S.P. Pahari Mr. A. Pradhan Mr. Tapan Kr. Mahapatra
For the State	:	Mr. Sk. Md. Galib Mr. Kapil Guha
For the respondent nos.1 to 4	:	Mr. Brajesh Jha Mr. Rahul Sarkar
Heard On	:	08.04.2026
Judgment on	:	08.04.2026

Sabyasachi Bhattacharyya, J.:

1. Ms. Ipika Sarkar The present challenge has been preferred against an order whereby the learned Single Judge dismissed a writ petition filed by the appellants.
2. The grievance of the writ petitioners/appellants was that the Raiyati land, which originally belonged to their predecessor-in-interest/father, devolved upon the demise of their father on the writ

petitioners/appellants, being the daughters of the original owner, and their brothers.

3. The appellants, it is alleged, filed a representation claiming their shares in the compensation amount in respect of acquisition of the said land under the Railways Act, 1989 (as amended), in the year 2012 before the appropriate authorities, without considering which and without making any reference under Section 20H of the said Act, the respondent-authorities allegedly disbursed the amount of compensation on March 1, 2012 to the brothers of the petitioners, in exclusion of the petitioners.
4. Subsequently, the writ petitioners/appellants moved a previous writ petition, bearing WPA 19511 of 2021, which was disposed of by directing the Railway Authorities to consider a representation of the petitioners dated February 25, 2021 and take necessary steps.
5. Pursuant to the same, a speaking order was passed on November 24, 2022, whereby the Railway Authorities took a stand that since compensation was already disbursed in favour of the brothers of the petitioners, whose names were recorded in the records of rights, there arose no scope of granting any further compensation to the appellants.
6. Being aggrieved by the said order dated November 24, 2022, the current writ petition was preferred.
7. The learned Single Judge dismissed the same, primarily on the ground of delay.

8. It is argued by the appellants that the decisions referred to and relied on by the learned Single Judge in the impugned judgment were rendered in respect of service jurisprudence and had no manner of bearing in the present case, which is in respect of compensation.
9. That apart, in view of the initial representation of the appellants having been given on January 9, 2012 (which was disclosed by a supplementary affidavit before the writ court), that is, prior to the disbursal of compensation in favour of the brothers of the appellants, it was the incumbent duty of the respondent-authorities to refer the dispute under Section 20H.
10. The same having not been done, it is argued that the learned Single Judge erred in law in dismissing the writ petition instead of referring the same for apportionment of the appellants' share of compensation to the appropriate authority.
11. Learned counsel appearing for the Railway Authorities submits that in the previous writ petition filed by the appellants, bearing WPA 19511 of 2021, there was no whisper of any representation having been given by the appellants in the year 2012.
12. Since disbursal had already been made in terms of the award long back in favour of the recorded owners, that is, the brothers of the appellants, there arose no occasion for further compensation being paid to the appellants.
13. That apart, it is argued that the appellants have failed to establish by cogent evidence that they are the owners of the property.

14. Learned counsel for the appellants controverts such argument by submitting that in the speaking order itself, certain latest records of rights in the name of the appellants were referred to.
15. Upon hearing learned counsel for the appellants, the Railway Authorities as well as the State, we find that although we cannot agree with the ground given in the impugned judgment of the learned Single Judge, we concur with the conclusion of the said judgment for the following reasons:
16. Insofar as a purported representation dated January 9, 2012 having allegedly been given by the appellants is concerned, such contention is absurd and not credible. There is no conceivable reason as to why, in the event such representation was given, the same was never disclosed in any prior proceeding, either before the respondent-authorities or in the earlier writ petition.
17. From the copy of the order passed in WPA 19511 of 2021 in the year 2022, which is handed over to us by learned counsel for the Railway Authorities, it is clear that the appellants relied on a representation given by them only on February 25, 2021, that is, much after the award was passed and the compensation amount was disbursed in favour of the recorded owners. It is such representation which was directed in the said writ petition to be disposed of by the respondent-authorities.
18. No representation of the year 2012 was ever asserted to have been given by the appellants, either before this Court in the earlier writ petition or before the respondent-authorities when the impugned

order was passed. Such purported representation was not even disclosed in the present writ petition, from which this appeal arises, but annexed for the first time subsequently in a supplementary affidavit filed in the last writ petition.

19. In the impugned speaking order, the Railway Authorities categorically mentioned that since the disbursal of compensation was made in terms of the award in favour of the persons whose names were recorded in the records of rights at the time of such disbursal, the subsequent inclusion in the records of rights of the names of the appellants could not have any relevance in the context.
20. We agree with such proposition, since the relevant juncture for assessment of compensation and entitlement thereto is when the acquisition is made and the award is passed.
21. There is nothing to show that the names of the petitioners were recorded in the records of rights at such relevant juncture. Rather, their names were inserted much later.
22. Moreover, in the absence of disclosure of the alleged representation of 2012 at any point of time previously by the appellants, although they urged their entitlement to compensation before several fora, we are unable to accept the veracity of such representation or the tender of the same by the appellants to the Railway Authorities.
23. Hence, even if delay simpliciter could not be a ground for refusal of the appellants' prayer by the writ court, since entitlement to compensation does not merely give rise to a right to be asserted by the land-losers but also casts a reciprocal duty on the State to disburse

compensation, the appellants are not entitled to compensation even otherwise. Apart from the appellants having failed to produce any document in support of their heirship of the original land-loser or their possession, either by way of extracts of contemporaneous records of right or otherwise, the prayer for reference for the purpose of apportionment is not maintainable in law at this stage, about a decade after the award was passed and compensation was disbursed to the recorded owners.

24. In the present case, the matter might have been referred under Section 20H in the event appellants had approached the concerned authority in time.
25. In the absence of any such approach being made or the purported contemporaneous representation of 2012 having been disclosed by the appellants in any previous round of litigation, at this belated stage, there is no scope of assessment of compensation or apportionment of the same afresh by turning the clock back.
26. Thus, we do not find any error in the impugned order of the Railway Authorities on merits as well, since, in view of the disbursement having already being made with regard to the compensation for the subject land in favour of the then recorded owners, there is no scope for any post facto reference at this belated stage.
27. Accordingly, we concur with the speaking order of the Railway Authorities and the conclusion of the impugned judgment.
28. Hence, FMA 1449 of 2025 is dismissed on contest, thereby affirming the judgment dated July 1, 2025 passed in WPA 2882 of 2023 as well

as the speaking order passed by the General Manager, South Eastern Railway, dated November 24, 2022, which was assailed in the said writ petition.

29. However, we make it clear that nothing in this order or the impugned judgment or the speaking order of the Railway Authorities shall prevent the appellants, if they are otherwise so entitled in law, to file a regular civil suit seeking declaration of their entitlement to the compensation amount and claim recovery of their share of such compensation from their brothers.
30. CAN 1 of 2025 is disposed of accordingly.
31. There will be no order as to costs.
32. Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)

I agree.

(Supratim Bhattacharya, J.)

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07.04.2026
(SSS)