

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH



No. OA 350/01123/2016

Date of order : 6.12.2016

Present: Hon'ble Justice Shri Vishnu Chandra Gupta, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

SUKDEV PAL & ORS.

VS

UNION OF INDIA & ORS.

For the applicants : Mr. A.K. Bairagi, counsel

For the respondents : Mr. B.L. Gangopadhyay, counsel

O R D E R

Justice V.C. Gupta, J.M.

We have heard the ld. Counsel for the applicants and the ld. Counsel for the respondents.

2. The applicants have asked for the following reliefs in this OA :

- a) To pass time bound order/direction upon the respondent authorities of the Rly. To complete the verification process of documents relating to the acquired lands of the applicants and if found correct expeditiously give them appointment as per RB's notification and direct the Dy. CE/CON/E.Rly./Kol to appear personally with record on which date they sent the documents to the ADM/LA/Hooghly for obtaining acquisition certificate.
- b) To pass such other further order/orders as your Lordships may deem fit and proper.
- c) Leave may kindly be granted to file this case jointly as per Rule 4(5)(a) of the CAT (Procedure) Rules, 1987.

3. The brief facts are that the applicants claim to be the person who lost their land in respect of the project known as Dankuni - Furfura Sharif New Broad-gauge Railway Line in the Eastern Railway. Earlier to this petition the OA 600/15 was filed by the same applicants which has been disposed of by an order dated 11.5.15. The relevant portion of the order is extracted hereinbelow:

"It is submitted by learned counsel for the respondents that no cause of action has arisen for the present since the lands of the applicant has not yet been acquired. Moreover, this Tribunal lacks jurisdiction to direct the authorities to issue cheque on any unacquired land. Learned counsel for the applicants however, seek a direction on the authorities for supply of formal application Part A and Part B to the applicants.

Since no cause of action is unforeseen for adjudication by this Tribunal the OA is dismissed with liberty to the applicants to approach before appropriate forum in accordance with law."

4. After this OA the present application has been filed for the same reliefs with an addition that "direct the Dy. CEE Dy. CE/CON/E.Rly./Kol to appear personally with record on which date they sent the documents to the ADM/LA/Hooghly for obtaining acquisition certificate".

5. The correspondence dated 21.5.15 made by the Dy. CEE/CON/G/HQ, Eastern Railway, Kolkata, has been placed on record and is extracted hereinbelow :

"Sub: A notice for non-payment of Lands Value and supply of Format Application Part 'A' & 'B' to your clients for the project as new Railway line from Dankuni to Furfura Sharif.

Ref: Your letter No. Nil dated 4.5.2015, received by this office on 13.5.15 (Photocopy enclosed)

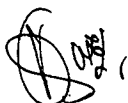
With ref. to your letter quoted above this is to say that Newspaper Notification for Land acquisition of new line project Dankuni-Furfurasharif under special Railway Project was published in the Gazette of India Notification No. S.O.983(E) dated 28.4.2010. The LR Plot No. 3683, 3708 & 4014 in mouza Krishnarampur were indicated in the 20-F Notice local newspaper publication dated 7.11.11 and the LR Plot No. 2739 & 2760 in mouza-Kalachara were also indicated in the 20-F Notice local newspaper publication dated 9.11.11. the then OSD/Land used to issue Format Application Part 'A' & 'B' duly certified/signed by OSD/Land as Competent Authority based upon the Gazette of India Notification No. S.O.1085(E) dated 13.5.2010 for the said project. But in the instant case, Railway has not taken over any possession of land from your clients while OSD/Land was the Competent Authority in the year 2011 & 2012.

Now at present the post of OSD/Land/HQ has been abolished and ADM/LA/Hooghly has been nominated as Competent authority for land acquisition of Dankuni-Furfura new line Special Railway project vide notification in the Gazette of India No. 1105 dated 14.6.2012 (Photocopy enclosed). However, in spite of several chasing, State Govt. have not initiated the Land Acquisition process, resulting, the Land Acquisition for the project is not progressing from the year 2013 and the problem is still alive & same is highlighted at 'Anandabazar Parika' a daily newspaper dated 18.4.15 (Photocopy enclosed).

Format Application Part 'A' & 'B' for the appointment can only be issued to the land loser, when the possession of the said land to be obtained and the same would be issued by ADM/LA/Hooghly (Competent Authority) only after possession of land and on the basis of merit of cases.

Therefore the claim of Format Application Part 'A' & 'B' for the appointment cannot be issued through Railway. Hence the demand of Format Application is disposed of."

Thereafter another letter dated 23.9.15 has been placed on record which is also extracted hereinbelow :



"Sub: Acquisition of lands for Dankuni-Furfura Shariff New B.G.Line Project of Eastern Railways.

In reference to above this is to inform him that this office either received any papers relating to acquisition of lands from the Eastern Railways authority nor initiated any proceeding for acquisition of lands for the above said project.

Naturally this office has nothing to say for redressal of his grievances."

5. Only these two documents have been placed on record. The other documents like the application under RTI and the notice issued are placed on record. The documents placed on record do not conclusively reveal that the land has been acquired. Hence unless a certificate of land looser has been issued by the competent authority after completion of the acquisition proceedings the claim of the applicants for compassionate appointment under land looser scheme do not arise. So far as the claim of compensation is concerned is not within the domain of this Tribunal.

6. Hence with these observations the OA is dismissed. However, liberty is granted to the applicants in case any certificate of land looser is issued to them, they may proceed to claim their right before the appropriate forum.

7. No order as to costs.

(JAYA DAS GUPTA)
MEMBER (A)

(JUSTICE VISHNU CHANDRA GUPTA)
MEMBER (J)

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