

21st April, 2026
(D/L No.96)
Ct. No.655
(SKB)

W.P.A. 6807 of 2020
With
CAN 1 of 2020 (Old CAN 5786 of 2020)
(Assigned)

Laxmipur Sangyukta Krishak
Sangram Samity & Ors.
Vs.
The Union of India & Ors.

Mr. Mukunda Lal Sarkar
...for the Petitioners

Mr. Chandi Charan De, Id. AGP,
Mr. Soumitra Bandyopadhyay,
Mr. Priyabrata Batabyal,
Mr. Anirban Sarkar
... for the State.

Ms. Manika Roy,
Ms. Ankita Chowdhury,
Mr. Atanu Sur
...for the NHAI/Respondent No. 5

Mr. Uttam Kr. Mandal,
Ms. Maitree Roy
...for the NTPC/Respondent No. 9

1. Writ petitioners are represented by the learned Advocate.
2. The respondent No(s) 5 and 9 and the State are represented by their respective learned Advocates.
3. It is submitted by the learned Advocate for the petitioners that, in compliance with the direction passed by the learned Division Bench on August 24, 2012, the Additional District Magistrate (Land Acquisition), Malda, duly took up for consideration the application submitted on behalf of the petitioners.

Upon such consideration, the said authority passed a reasoned order, wherein it was, inter alia, recorded as follows:

“Thus, as per order of the Hon’ble High Court dated 17.01.2011, the application of the petitioner was considered, due opportunity of hearing was given, and step has been taken again, asking the F.B.P. Authority for placement fund immediately for payment of compensation to the land losers (vide this office memo no. 406/LA dated 09.06.2011).

In conclusion, it is to be stated that the District Administration is always in a mood to pay the high regard to the orders of the Hon’ble High Court and also consider the matter of payment of compensation to the land losers sympathetically.”

4. Relying upon the aforesaid order, it is contended by the learned advocate for the writ petitioners that, notwithstanding the categorical observations and assurances recorded therein, no compensation has, in fact, been disbursed to the petitioners till date. It is urged that the continued inaction on the part of the concerned authorities, despite directions of this Court, has compelled the petitioners to institute the present writ petition seeking appropriate directions upon the respondents for payment of compensation to the respective land losers.
5. In this context, the attention of this Court is further drawn to the affidavit-in-opposition filed on behalf of

the respondent nos. 6 to 8/State, wherein it has been specifically admitted that compensation has already been disbursed to land losers in respect of lands situated in Mouza-Palgachhi and Mouza-Sultanganj. However, significantly, it is also evident from the said affidavit that in the case of the present petitioners, no such compensation has been paid, notwithstanding the subsisting directions of this Court. This selective disbursement, according to the petitioners, clearly establishes arbitrariness and discriminatory treatment on the part of the State authorities.

6. Per contra, the learned Additional Government Pleader raises a preliminary objection as to the maintainability of the present writ petition. It is submitted that the petition has been filed by an association, namely Laxmipur Sangyukta Krishak Sangram Samity, represented through its Secretary and President, and that there exists no provision of law which permits the filing of such a writ petition by a collective body for the purpose of claiming compensation in respect of land acquisition proceedings. On such premise, it is contended that the writ petition is ex facie not maintainable in the eye of law.
7. In response thereto, the learned advocate for the petitioners refutes the said objection and submits that the present writ petition is very much maintainable under the law. It is argued that the Samity comprises

the affected land losers themselves, who share a common cause of action, and are, therefore, collectively entitled to seek appropriate relief before this Court. It is further contended that representative actions of this nature have been duly recognized and upheld by judicial pronouncements, and that the petitioners shall rely upon relevant decisions to substantiate that a writ petition instituted by such an association, representing similarly situated persons, is maintainable in law.

8. Let the matter appear in the list on **20th May, 2026** at **2.00 p.m.**

(Prasenjit Biswas, J.)