

Supreme Court of India

Calcutta Port Trust And Anr. vs Deba Prosad Bag on 12 August, 1994

Equivalent citations: (1995) ILLJ 1181 bSC, 1994 (4) SCALE 27, 1995 Supp (1) SCC 454

Bench: M Venkatachaliah, S Mohan

ORDER

1. We had passed the following order on 6.4.1994:

On a consideration of the above, we are of the view that the stand of the appellant is well-founded. Certainly, some person or authority will have to examine the correctness and bona fides of those who claim to be uprooted persons. It is appropriate that such examination is done by a Screening Committee. Such a screening would ensure elimination of bogus claims. It is a wholesome principle which requires to be adopted in this case. Thereafter we modify the order under appeal and direct that the cases of the respondents will be considered by the Screening Committee. The Port Trust had screened twenty one persons in the case of Jayanta Kumar Pradhan & Co. before employing them. Only after the screening process, the appellant will be required to implement the directions of the learned Single Judge as conferred by the Division Bench. The process of screening shall be completed within a period of four months from the date of this order. Accordingly, the civil appeals stand allowed in part.

2. The appellant, Port Trust, is facing difficulty as to whether the Screening Committee appointed by the Government by Memorandum dated 12.5.1986 is to screen the respondents or not. Accordingly, LA. No. 3 of 1994 has been preferred for appropriate directions.

3. LA. Nos. 4-6 of 1994 have been preferred by the applicants stating therein that they are also similarly situated like the other displaced persons consequent to the acquisition of their land by the Port Trust and their claims also should be considered. Accordingly, the prayers are.

4. The learned Attorney General submits that what was intended by the order dated 6.4.1994 is only the Committee constituted by the Government by memorandum dated 12.5.1986 should screen the claims of the respondents. There is no Committee appointed by the Port Trust. Therefore, the refusal on the part of the respondents to appear before the Committee not only delays the consideration of their claims besides causing administrative inconvenience to the Port Trust. Hence, the necessary directions may be issued in this regard.

5. The learned Attorney General also points out that instead of the name of Solicitor General, the name of Attorney General may be shown in the order.

6. In opposition to this, Shri Govind Mukhoty, learned Counsel for the respondents submits by reading of the entire order dated 6.4.1994, it could be clearly seen that there was no possibility of the respondents being screened by the Committee constituted by the Government. The stand of the Port Trust was, such a Committee cannot screen; the Port Trust being an independent authority was not bound by the circular. Therefore, the Port Trust cannot be allowed to change its stand.

7. Shri G.L. Sanghi, learned Counsel for applicants in LA. Nos. 4-6 of 1994 prays that having regard to the fact that these applicants are similarly situated like the other displaced persons who have lost their lands consequent to the acquisition of their lands by the Port Trust. Merely because they were not parties before the High Court, it cannot be said that the claims are not even worthy of consideration. They are poor illiterates. They do not know about the proceedings before the High Court or this Court.

8. On a careful consideration of the above submissions, we find the stand of the learned Attorney General is correct. It was clearly intended when we passed the order dated 6.4.1994 that the Committee constituted by the Government by Memorandum dated 12.5.1986 should screen the claims of respondents. The reason is the Government is the acquiring authority. It has got all the particulars as to whose lands came to be acquired and by reason of such an acquisition what hardship has ensued so as to provide employment for the members of such families. Certainly, the respondents cannot say that their claims are not liable to be screened. Only by such screening process, the genuineness or the bona fides of the claims could be established. Therefore, we hereby clarify that the claims of the respondents shall be considered only after a screening by the Committee constituted by the Government by its Memorandum dated 12.5.1986.

9. In our order dated 6.4.1994, the name of the Attorney General shall be indicated instead of the Solicitor General.

10. Turning to LA. Nos. 4-6 of 1994, we see no justification whatsoever to allow these applications at this belated stage. The plea based on illiteracy is neither here nor there. That cannot be a justification for this belated claim.

11. Accordingly, we allow LA. No. 3 of 1994 in the above terms. LA. Nos. 4-6 of 1994 will stand dismissed. However, there shall be no order as to costs.