

(1996) 07 SC CK 0133

In the Supreme Court Of India

Case No : Civil Appeal No. 1388(N) Of 1980

Nabendu Sekhar Naskar and Others

APPELLANT

Vs

State of W.B. and Others

RESPONDENT

Date of Decision : 10-07-1996

Acts Referred:

West Bengal Fisheries (Requisition and Acquisition) Act, 1965 — Section 8(4)

Citation : (2000) 10 SCC 649

Hon'ble Judges : S. Saghir Ahmad, J;N. P. Singh, J;M. M. Punchhi, J;M. K. Mukherjee, J;Kuldip Singh, J

Bench : Full Bench

Final Decision : Allowed

Judgement

1. The appellant challenged the order of requisition made by the Collector under Section 4(1) of the West Bengal Fisheries (Requisition and

Acquisition) Act, 1965 (the Act) by way of a writ petition before the Calcutta High Court. Before the learned Single Judge the constitutional

validity of Section 4 of the Act was challenged. Learned Single Judge dismissed the writ petition. Before the Letters Patent Bench attack on the

ground of vires was given up. The appellant, however, raised the question of quantum of compensation payable under the Act, by challenging the

vires of clause (c) of Explanation to sub-section (4) of Section 8 of the Act. The Bench summarily dismissed the appeal.

2. We have heard learned counsel for the appellant. There is no factual basis whatsoever in the special leave petition to support the attack on the

vires of clause (c) of sub-section (4) of Section 8 of the Act. Even otherwise, we see no basis for such an argument. The appeal is dismissed. No

costs.