

S/L. 8.
05.11.2019
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**Calcutta High Court
In The Circuit Bench At Jalpaiguri
Appellate Jurisdiction**

WPA 169 of 2019

Gouri Chakraborty and others
-Vs.-
The State of West Bengal & Others

Mr. S. Majumdar
... for the petitioner

Mr. Subir Kumar Saha,
Mr. Bikramaditya Ghosh
...for the State

The writ petitioners are aggrieved by order dated 28th August, 2017 passed by the Collector, Jalpaiguri. The said order was the final order in culmination of a proceeding taken up in compliance with an order dated 14th July, 2014 passed by the Co-ordinate Bench of this Court in WP No. 19657 (W) of 2014.

The facts of the case are that the proceedings initiated in respect of the subject land in the year 1968 by the State Government for housing and other purpose. The land changed hands from time to time and the petitioner is stated to have purchased the land in the year 1996 from the last recorded owner. His

name is also mutated in the records of BL & LRO.

It is an admitted position that mere recording of a name in the records of BL & LRO would not create any title to any property.

Be that as it may, the writ petitioner woke up for the first time in the year 2014 to the fact that he has purchased the land that has already been acquired by the State. He claims that he came to know of the acquisition when he applied for a loan for making construction on the land and the Bank Officials upon spot inspection of the said property detected that the land was already acquired by the State.

The writ petitioner moved this Hon'ble Court in WP No. 19657(W) of 2014 and the Court had directed in its Order dated 14th July, 2014 that the Authorities would have to answer the writ petitioner's claim for compensation and specifically indicate that whether any compensation has been paid or whether the petitioner is not entitled thereto.

In the impugned order it is categorically mentioned that the

compensation pursuant to an award was paid in the year 1981. It was also specifically recorded that the petitioner does not entitle to any compensation.

The question of return of any land to the petitioner, therefore, does not and cannot arise. This Court does not find any infirmity in the impugned order and hence the same cannot be interfered with.

The petitioner relies upon a judgment of the Hon'ble Supreme Court in the case of **Govt. (NCT of Delhi) Vs. Manav Dharam Trust and Anr. reported in (2017) 6 SCC 751** at **Paragraph 8**. The Hon'ble Supreme Court had quoted Paragraph 5 of another judgment in the case of **Sneh Prabha Vs. State of UP reported in (1996) 7 SCC 426**. It has been clearly mentioned therein that a purchaser of a property notice of acquisition would only be entitled for compensation and no other relief. In the instant case since compensation has already been paid in the year 1981, about 15 years prior to the petitioner's purchasing the land, the said judgment

cannot come to the aid of the writ petitioner.

The petitioner's cause of action, if any, would be against the persons who had sold the property to him by suppressing the fact that the land has been acquired. No relief can be granted in the instant proceeding.

Hence, this writ petition is dismissed.

Photostat certified copy of this order, if applied for, be given to the parties on urgent basis.

(Rajasekhar Mantha, J.)