

15.09.2020.
Item no. 15.
Court No.13
ap

**W.P.A. No. 6789 (W) of 2020
With
CAN 1 of 2020 [Old No. CAN 5740 of 2020]
(Through Video Conference)**

**Sri Pradip Chakraborty
Versus
The State of West Bengal & Ors.**

Mr. Partha Chakraborty,
Mr. Narendra Prasad Gupta.

...For the petitioner.

Mr. Soumitra Bandyopadhyay,
Mr. Priyabrata Batabyal.

...For the State.

Mr. Satyajit Talukdar.

...For the KMDA.

Considering the urgency pleaded by the petitioner in CAN 5740 of 2020, the instant writ petition is taken up for hearing via video conference.

Accordingly the application being CAN 5740 of 2020 is also disposed of.

The instant writ petition is affirmed by one Samir Mondal claiming to be a Constituted Attorney of the petitioner, Pradip Chakraborty.

The acquisition process of a land measuring about 2 cottahs 6 chittacks in Dag No. 2456 at Mouza – Kasba is challenged. The brief history of the title to the property is that the original owner was one Kanchan Bala Chakraborty, who sold the property to one Shambhu Kundu in the year 2007. The said

Shambhu Kundu subsequently sold the said property to one Ganesh Adhikary. In the title deed between Kanchan Bala Chakraborty and Shambhu Kundu, the writ petitioner, namely, Pradip Chakraborty himself was a witness.

The relationship between the petitioner and the deponent is stated to be that of a Constituted Attorney although no document in this regard has been produced.

Be that as it may, the acquisition process was of the year 1976-1977 and is being challenged 45 years thereafter.

There are other writ petitions pending in this regard. A similar writ petition filed by Ganesh Adhikary being W.P. No. 6035 (W) of 2020 has been dismissed by a Co-ordinate Bench of this Court on 3rd August, 2020.

While the petitioner says that the recorded owner was not paid compensation and possession of the land was not taken in terms of Act II and that notice under Section 3 was not issued to the recorded owner, this Court is unable to accept the said facts since they have been affirmed as true to the knowledge of the Constituted Attorney.

For the aforesaid reasons, this Court cannot entertain the instant writ application.

Hence, W.P.A. No. 6789 (W) of 2020 shall stand dismissed.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(*Rajasekhar Mantha, J.*)