

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APELLATE SIDE**

WPA 1391 of 2020

Rekha Maji & Anr.

- Versus -

The State of West Bengal & Ors.

Mr. Panchanan Hajra

.....For the petitioners

Mr. Soumitra Bandyopadhyay

Mr. Aniruddha Sen

.....For the State

The grievance of the writ petitioners relates to the inaction on the part of the State respondents to return possession of their land described in paragraph 2 of the writ petition. The said plots of land were requisitioned under the provisions of the West Bengal Land (Requisition and Acquisition) Act, 1948 (hereinafter referred to as 'the Act of 1948') for the scheme of construction of left and right embankment of the river Mundeswari in the district of undivided Burdwan. There is no dispute that the said embankment project of river Mundeswari was subsequently abandoned.

Even the notice issued under Section 4 (1) (a) of the Act of 1948 for acquisition of the petitioners' plots of lands was not proceeded with and the acquisition proceedings lapsed. Thus, the said plots of land continued to be the subject matter requisition under the Act of 1948.

It is also not in dispute that the said Act of 1948 stood repealed with effect from March 13, 1997. The State respondents have, however, failed to return possession of the plots of land mentioned in paragraph 2 of the petition of the writ petitioners.

The State respondents are represented by Mr. Bandyopadhyay. The State respondents could not dispute the aforementioned facts and the assertion of the right by the petitioners to claim return of the possession of their land.

In view of the above and considering the materials on record, the writ petition WPA 1391 of 2020 is allowed and the same is disposed of by directing the respondent no. 3 to forthwith return possession of the plots of land described in paragraph 2 of the writ petition to the petitioners, positively within six weeks from the date of communication of this order. Needless to mention that the petitioners shall produce all records before the respondent no. 3 to substantiate their right in respect of the plots of land in question.

The petitioners are also entitled to requisition compensation under the Act of 1948 and damages, if any, on account of wrongful occupation of their plots of land by the State respondents. The petitioners will be entitled to raise such claim before the appropriate authority.

There shall, however, be no order as to costs.

All parties, including the respondent no.3 shall act on a certified website copy of this order to be forthwith issued by the Department, subject to the petitioners fulfilling the required formalities.

(Ashis Kumar Chakraborty, J.)