

26.03.2025

Ct. no. 2
Sl. 10
b.r.

WPA 7286 of 2015
IA No. CAN 4 of 2025

Biplob Das
Vs.
The State of West Bengal & Ors.

Mr. Somnath Saha
.... For the Petitioner

Mr. Santanu Kumar Mitra
Mr. Amartya Pal
..... for the State.

Mr. Somnath Saha, learned advocate appears for the petitioner.

Mr. Santanu Kumar Mitra, Leaned Senior Government Advocate with Mr. Amartya Pal, learned advocate appears for the State.

The petitioner claims that though his land was initially proposed to be acquired by way of a notification but the same has not yet been utilized for the purpose mentioned in the notification, namely, rehabilitation of the migrants. He submits that similarly placed persons owning the adjacent lands they have been returned back with their lands, since the State has declared the acquisition is not required. Accordingly, he also claims back his land.

Mr. Santanu Kumar Mitra, learned State Counsel submits that the acquisition was initiated following the due process of law in the **year 1956**. The land was then

acquired on **November 16, 1956**. Necessary notification was published in the Calcutta Gazette on **December 6, 1956**. Award was declared in favour of the original land loser, who is the predecessor-in-interest of the petitioner on **February 12, 1956**. The petitioner has suppressed the fact that he has purchased the land by virtue of the registered conveyance dated **June 8, 1971**. By that time, the original land loser being the predecessor-in-interest had already received the compensation and the acquisition proceeding stood concluded. Possession of the land was handed over to the requiring body on **January 15, 1957** for settlement of migrants. Being a post acquisition purchaser, the petitioner has no right, title and interest on the land.

Learned counsel for the petitioner has denied and disputed the submissions made on behalf of the State.

In view of the above, the respondent no.5 shall file a report in the form of affidavit disclosing all the supportive documents and records in support of its stand on or before **April 17, 2025**. The petitioner shall file its reply on or before **April 30, 2025**.

The writ petition shall appear under the heading **“For Orders” on May 7, 2025**.

(Aniruddha Roy, J.)