

27.01.2022
Item No. 24
Court No.6.
S. De

Through Video Conference

**F.M.A. 732 of 2021
I.A. No. CAN 1 of 2020**

**Pradip Chakraborty.
Vs
The State of West Bengal & Others.**

Mr. Partha Chakraborty, Advocate,
Ms. Sharmistha China, Advocate,
...for the appellant.

Mr. Satyajit Talukdar, Advocate,
...for the K.M.D.A.

This appeal is preferred against an order dated September 15, 2020 whereby W.P.A. 6789(W) of 2020 was dismissed.

The writ petitioner sought to challenge the acquisition process of a particular plot of land. The learned Judge recorded that the original owner being one Kanchan Bala Chakraborty sold the property to one Shambhu Kundu in the year 2007. Shambhu Kundu then sold the property to one Ganesh Adhikary. In the sale deed executed by Kanchan Bala Chakraborty in favour of Shambhu, the writ petitioner himself signed as a witness. The writ petitioner appears to be the son of the original owner of the plot of land. The learned Judge further noted that the deponent of the affidavit in support of the writ petition

was a Constituted Attorney of the writ petitioner although no power of attorney was disclosed. The learned Judge dismissed the writ petition holding that the averments in the writ petition could not be accepted since the same were affirmed as true to the knowledge of the Constituted Attorney and not of the writ petitioner. Being aggrieved, the writ petitioner is before us by way of this appeal.

We have heard learned counsel for the parties. The writ petitioner/appellant says that a writ petition can be filed by an aggrieved party through a Constituted Attorney. That may be so, but we find that the writ petitioner has no locus standi to maintain the writ petition. The land in question having been sold by the original owner and the writ petitioner being a witness to the concerned Sale Deed, he has no standing to question the acquisition proceedings.

We are also told that the subsequent purchaser namely Ganesh Adhikary has filed a writ petition being W.P.A. 13434 of 2017 wherein validity or otherwise of the acquisition proceedings is one of the issues. Such writ petition is ready for hearing.

In any event, since we find that the writ petitioner/appellant has no locus to challenge the acquisition proceedings, we are of the view that no interference is warranted with the order impugned before us.

F.M.A. 732 of 2021 is accordingly dismissed along with I.A. No. CAN 1 of 2020

Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance with all the necessary formalities.

(Kausik Chanda, J.)

(Arijit Banerjee, J.)