

**CALCUTTA HIGH COURT  
IN THE CIRCUIT BENCH AT JALPAIGURI**

29.11.2022  
Sl. No.15(DL)  
srm

**W.P.A. No. 339 of 2021**

**Nur Mahammad Miya**

**Versus**

**The State of West Bengal & Ors.**

Mr. Jagriti Mishra,  
Mr. Subham Gupta,  
Mr. Debayan Goswami,  
Ms. Ria Paul

...for the Petitioner.

Mr. Subir Kumar Saha  
Mr. Bikramaditya Ghosh

...for the State-respondents.

Mr. Arijit Ghosh,  
Mrs. Swarnali Ghosh (Sengupta)

...for the Respondent Nos.4 & 5.

The petitioner alleges that the respondents constructed Mathabhanga College on LR Plot No.1270 pertaining to LR Khatian Nos.78, 651 and 680/3 of mouza Pochagar, District-Cooch Behar, without any acquisition proceeding. It is alleged that the college authorities as also the State-respondents forcefully constructed the building on the land of the petitioner. The petitioner claims to be a co-sharer. It is alleged that the petitioner was entitled to be compensated as per the provisions of law.

The fact that the college authorities were in possession of the said plot of land is not in doubt.

The college authorities have also produced a sale deed of 1968 executed by petitioner's father and the Secretary of the college. By the said deed, the land in respect of which the petitioner claims compensation had been sold to the college. The college was constructed in 1968 and the petitioner has remained silent for so long.

Under such circumstances, as disputed questions of fact have arisen, the writ court cannot decide the same. While the petitioner claims title, the college authorities have set up a rival title on the basis of the sale deed of 1968. Whether the schedule of the sale deed executed in 1968 tallied with the entry in the LR records cannot be decided in a writ petition. These are matters of evidence. The record of rights relied upon by the petitioner show that the Mathabhanga College was in possession of the land. Whether Mathabhanga College has acquired title by purchase or was a permissive occupier, cannot be decided by this Court.

Moreover, the petitioner has approached the Court after 54 years alleging illegal occupation of the land by Mathabhanga College. Thus, the prayer for payment of

compensation for acquisition of the said land, cannot be directed.

The writ petition is disposed of with a direction upon the college authorities to handover to the petitioner copies of the documents relating to the particular land in question on the basis of which the college had taken possession of the land and had constructed the building. The college authorities shall handover such documents within a period of four weeks from the date when the petitioner approaches the Principal with such prayer.

The writ petition is, thus, disposed of.

There shall be no order as to costs.

Parties are to act on the basis of the server copy of this order.

**(Shampa Sarkar, J.)**