

Form J(2)

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri
WPA 11084 of 2005**

**Naihati Jute Mills Company Ltd. & Anr.
Vs.
The State of West Bengal & Ors.**

For the petitioner : Mr. Amitava Mitra
**For the State respondents : Mr. Chandi Charan De,
Mr. Anirban Sarkar**
Judgement on : 04.09.2023.

Bibek Chaudhuri, J.

The instant writ petition was previously taken up for hearing on 22nd August, 2023. Prior to that on 25th July, 2023, the Additional Government Pleader submitted a report of Senior Law Officer and Ex-Officio, Assistant Secretary (Law), Land and Land Reforms and Refugee Relief & Rehabilitation Department, Government of West Bengal that the land was retained under Section 6(3) of the West Bengal Estate Acquisition Act, 1953 and therefore provision contained in Section 4B (2) of West Bengal Land and Land Reforms Act, 1955 is applicable in the instant case. Therefore, the demand notices were issued mistakenly.

It is also stated on behalf of the State respondents that the demand notices are normally issued by the Block Land and Land Reforms Officer without considering the effect of Section 6(3) of the West Bengal Estate Acquisition Act and in respect of the land retained under Section 6(3) of the West Bengal Estate Acquisition Act, no notice under the Kolkata Land Revenue Act, 2003 or Section 23 of the West Bengal Land Reforms Act can be issued. Therefore, the learned Additional Government Pleader was instructed to submit the State's view that the impugned notices may be declared as withdrawn.

This Court directed the learned Additional Government Pleader that the views of the Law Officer should be vetted and concurred by the Legal Remembrancer to the Government of West Bengal.

The learned Government Pleader has submitted a letter dated 31st August, 2023 along with a note of the Legal Remembrancer, Government of West Bengal dated 24th August, 2023 wherein he concurred with the views of the departmental Law Officer that under the facts and circumstances of the case, the notices under Kolkata Land Revenue Act, 2003 dated 28th January, 2004, 9th February, 2004 and 3rd June, 2004 and certificate proceeding dated 6th January, 2005 may be withdrawn.

In view of such clear instruction made by the Government Authority to the learned Additional Government Pleader, Mr. De,

learned Additional Government Pleader submits to act upon such instruction, which he received from the State respondents.

For the reasons stated above, the notices dated 28th January, 2004, 9th February, 2004 and 3rd June, 2004 be withdrawn. The certificate proceeding under the Public Demands Recovery Act dated 6th January, 2005 be also withdrawn.

The petitioner is entitled to get back the amount of revenue which the petitioner paid during the period between 07.04.2003 to 2nd May, 2023 from the respondents.

The Secretary, Land and Land Reforms Department, Government of West Bengal is directed to takes step for return of the said amount to the petitioner within 90 days from the date of this order.

The instant writ petition is, thus, **disposed of**.

There shall be no order as to costs.

(Bibek Chaudhuri, J.)

**Mithun.
A.R. (Ct).
SI No.2.**