

Form J(2)

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

**Present :
The Hon'ble Justice Bibek Chaudhuri**

WPA 17472 of 2005

**Angus Company Limited and Anr.
Vs.
State of West Bengal & Ors.**

For the petitioner : Mr. Tapas Kumar Sil
Mr. A. K. Gandhi

For the State : Mr. Soumitra Bandyopadhyay
Mr. Aniruddha Sen
Mr. Anirban Sarkar

Item No.05

Heard & Judgement on : 15.09.2023

Bibek Chaudhuri, J.

The instant writ petition came up for hearing on 4th September, 2023. Prior to that on 22nd August, 2023 the learned Additional Government Pleader submitted a report issued by the Senior Law Officer and Ex-Officio the Assistant Secretary (Law), Land and Land Reforms and Refugee Relief and Rehabilitation, Government of West Bengal that the land was retained under Section 6(3) of the West Bengal Estate Acquisition Act, 1953 and therefore, the provision

contained in Section 4B(2) of the WBLR Act, 1955 is applicable in the instant case. Therefore, the demand notice was issued mistakenly.

It is also stated on behalf of the State Respondent that the demand notices are clearly issued by the BL&LRO without considering the effect of Section 6(3) of the West Bengal Estate Acquisition Act and in respect of land retained under Section 6(3) of the said Act, no notice under the Kolkata Land Revenue Act, 2003 or Section 23 of the West Bengal Land Revenue Act can be issued. Therefore, the learned Additional Government Pleader was asked to submit the State's view that the impugned notices may be declared as withdrawn. This Court by passing the previous order directed the learned Government Pleader to vet the views of the Senior Law Officer by the learned Legal Remembrancer, Government of West Bengal.

The learned Government Pleader has submitted a report executed by the learned Legal Remembrancer, Government of West Bengal on 13th September, 2023 wherein he stated that the petitioner company is not a raiyat in respect of the land in question from the documents and the note submitted by the department it appears that the lands in question were retained lands under the provision of Section 6(3) of the West Bengal Estate Acquisition Act, 1953. As the lands are retained lands, the said lands never be considered as raiyati

as per the provision of Section 4B(2) of the W.B.L.R. Act, 1955. The petitioner cannot be considered as raiyat.

In view of such legal fiction question of sending demand notices in respect of the said land either under Kolkata Revenue Act, 2003 or under Section 23 of the West Bengal Land Reforms Act, 1955 does not arise.

In view of such clear instruction made by the Government Authority to the learned Government Pleader, the notices dated 6th February, 2004, 1st March, 2004, 22nd November, 2004, 15th March, 2005, 1st April, 2005 and 11th July, 2005 be withdrawn. The certificate proceeding if instituted be dropped.

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

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

(Bibek Chaudhuri, J.)

