

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE

CO 796 of 2022

Smt. Mridula Neogi & Anr.
Vs.
The Land Acquisition Collector, Hooghly

Mr. Kajal Ray
Mr. Suman Nandi
... For the petitioners

1. None appears on behalf of the opposite party on call.
2. This revisional application is directed against the order dated 14th December, 2021 passed by the learned Additional District Judge, 1st Court, Hooghly Sadar in connection with LA Misc. Case No.172 of 2006 following reference made by the Land Acquisition Officer on 30th August, 2006 addressed to the learned District Judge, Hooghly, seeking instruction with regard to an objection raised by one Smt. Sampa Ghosh, wife of Amit Ghosh, claiming right, title and interest over the property which was acquired and for which compensation was awarded on 27th July, 2005 in favour of Smt. Mridula Neogi and Sunil Kumar Neogi/ petitioners herein.
3. On receipt of the letter from the Land Acquisition Officer, LA Misc. Case, being No.172 of 2006, was registered and taken up for disposal by the learned Additional District Judge, 1st Court, Hooghly Sadar. By the order dated 14th December, 2021, the learned Judge recorded his decision

that legal heirs of the objector Sampa Ghosh, whose death was reported by the petitioners, are required to be impleaded in the Land Acquisition case.

4. Learned counsel appearing on behalf of the petitioners has submitted that the said Sampa Ghosh challenged the Deed of Gift executed by the mother of the petitioners in Title Suit, being No.90 of 1999, which was disposed of by the learned Civil Judge (Junior Division), Additional Court, Hooghly by recording an order of dismissal of the suit on contest. That was further challenged in the appeal before the learned District Judge, Hooghly, in Title Appeal No.94 of 2006 which was also dismissed for non-appearance of the appellant on 4th December, 2018. It is submitted that right, title and interest has already been decided by way of Title Suit No.90 of 1999 and the Title Appeal No.94 of 2006. It is also submitted that the petitioners, not being the plaintiffs in any case, cannot be ordered to implead the legal heirs of Sampa Ghosh as LA Misc. Case No.172 of 2006 was registered only on receipt of a reference made by the Acquisition Officer by his letter dated 30th August, 2006.

5. Heard learned counsel appearing on behalf of the petitioners and perused the documents of this case.

6. From the letter dated 30th August, 2006, I find that the land of the petitioners was acquired for the purpose of Railway Bridge across the river Hooghly in Nalhati Bandel Section and considering all the documents, including LA

records, the acquisition was made and award was promulgated in LA Case No.IV-5/04-05 in favour of the petitioners.

7. One Sampa Ghosh raised objection regarding disbursement of the awarded amount as she filed an appeal against the order of the learned Civil Judge (Junior Division), Hooghly in Title Suit No.90 of 1999. From the order dated 4th December, 2018 passed in Title Appeal No.94 of 2006, it is seen that the appeal was dismissed for non-appearance of the appellant in spite of giving several opportunities.

8. Therefore, the dispute with regard to the title of the property has already been settled by the two rounds of litigations, i.e., Title Suit No.90 of 1999 by the learned Civil Judge (Junior Division), Hooghly as well as Title Appeal No.94 of 2006 by the learned Additional District Judge, 2nd Court, Hooghly.

9. In these circumstances, the learned Judge dealing with LA Misc. Case No.172 of 2006 cannot pass an order directing the petitioners to implead the legal heirs of Sampa Ghosh instead of disposing the reference pending since 2006.

10. Considering the aforesaid facts and circumstances, I do not find any reason to delay the proceedings any further.

11. In the aforesaid view of the matter, the order dated 14th December, 2021 stands set aside.

12. As a sequel, the revisional application stands allowed.

13. The learned Additional District Judge, 1st Court, Hooghly Sadar is directed to dispose of the LA Misc. Case No.172 of 2006 in the light of the aforesaid observation within six weeks from the date of communication of this order.

14. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.

15. Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Bibhas Ranjan De, J.)