

**IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE**

**Present:**

**The Hon'ble Justice Partha Sarathi Sen**

**WPA 9059 of 2016**

**Debasish Roy  
Vs.  
Union of India & Ors.**

For the petitioner : Mr. Probal Kr. Mukherjee, Sr. Adv.  
Mr. Suhrid Sur

For the respondent nos. 2 : Mr. Puspall Chakraborty  
to 7 Ms. Prisanika Ganguly  
Mr. Saptarshi Mukherjee  
Mr. Tirthankar Nandi

Heard on : 11.09.2024

Judgement on : 11.09.2024

**PARTHA SARATHI SEN, J.:**

1. By filing the instant writ petition, the writ petitioner has prayed for issuance of an appropriate writ against the respondent authorities for quashing the letter dated 19.02.2016, a copy of which is annexed at Page No. 48 of the writ petition as and by way of Annexure P-4 with a further prayer for issuance of writ of

mandamus upon the respondent authorities for providing appointment to the writ petitioner under the Land Looser Scheme, hereinafter referred to as the 'said Scheme' in short.

2. In course of his submission, Mr. Sur, learned advocate for the writ petitioner at the very outset submits before this Court that by issuing a letter dated 08.03.2007 (Annexure P-1 to the writ petition), the present writ petitioner and two other persons were asked by the respondent authorities to have a discussion with regard to the employment under the said Scheme/monetary compensation in lieu of employment as per R & R Policy of the respondent authorities.
3. Mr. Sur, learned advocate for the writ petitioner drawing attention to the Page No. 20 of the writ petition submits further before this Court that on 29.07.2008 inter-departmental communication was made between the General Managers of the respondent authorities regarding purchase of 2.98 acres of land in Mouza Ukhra. Drawing attention to Page Nos. 22 to 30 and Page Nos. 31 to 47 of the writ petition being photocopies of two registered deeds of conveyance dated 15.03.2010 and 09.10.2015, it is submitted on behalf of the petitioner that under cover of the aforesaid two registered deeds of conveyance in Mouza 'Chak Banbahal', the writ petitioner transferred 0.16 acre of land in favour of the respondent no.

2/authority and by the self-same deed, the writ petitioner transferred 1.04 acre of land in Mouza 'Ukhra' also in the name of the same purchaser. Mr. Sur further submits that by the subsequent deed dated 09.10.2015, the writ petitioner again transferred 0.8526 acre of land in favour of the respondent no. 2 in Mouza Ukhra.

4. It is submitted that though the aforesaid plots of land in the aforesaid two Mouzas have been transferred in favour of the respondent no. 2/authority but to the utter surprise of the writ petitioner, the writ petitioner was declined to provide employment though offered earlier, on some unacceptable pleas regarding owning of land after use of land.
5. In course of his submission, Mr. Sur places his reliance upon the supplementary affidavit as filed on behalf of the respondent authorities and as affirmed on 09.06.2017. Drawing attention to Page Nos. 9, 10, 12, 15 and 19 of the said supplementary affidavit, Mr. Sur submits before this Court that it is the consistent stand of the writ petitioner that the aforementioned plots of land which have been transferred by the writ petitioner to the respondent authorities were in his defacto possession since 2001 and thus the writ petitioner's case squarely comes under the policy of the respondent authorities namely;

*“from 01.01.85 onwards for eligibility of one employment minimum two acres of land will be required;*

*and*

*in all cases of employment the land should belong to the same family”.*

It is thus submitted by Mr. Sur that since the quantum of land transferred to the respondent no. 2/authority is more than 2 acres, the respondent authorities are not entitled to ignore the claim of the writ petitioner for employment under the said Scheme as prayed for.

6. In course of his argument Mr. Sur places his reliance upon a reported decision ***Uday Goswami and Another vs. Eastern Coalfields Ltd. & Ors.*** reported in ***2024 SCC OnLine Cal 1795***.
7. Per contra, Mr. Chakraborty, learned advocate appearing on behalf of the respondent nos. 2 to 7 submits before this Court that from Page No. 18 of the writ petition, it would reveal that the respondent no. 2/authority and its officials never made any commitment for giving an employment to the writ petitioner under the said Scheme which would be evident from the letter dated 08.03.2007 wherein the writ petitioner and the other two persons have been asked for discussion regarding employment under the said Scheme/monetary compensation. Mr. Chakraborty thus submits that the mark ‘slash ( / )’ should be treated as ‘or’ in a disjunctive

way and, therefore, by no stretch of imagination, it can be construed that the respondent no. 2/authority and its officials have ever promised to offer employment to the writ petitioner.

8. Mr. Chakraborty in course of his submission also places his reliance upon the two registered deeds of conveyance as relied in the writ petition. It is submitted that from the schedule of the aforesaid two registered deeds of conveyance, it would reveal that the sum total transferred area in Mouza Ukhra is less than 2 acres and further there lies a time gap of five years between execution of the said two registered deeds of conveyance. It is thus submitted by Mr. Chakraborty that not only on the basis of lesser amount of requisite quantum of land, the writ petitioner is not entitled to the relief as prayed for but also his prayer may not be considered favourably since such transfers were not made not all at a time.
9. In course of his argument, Mr. Chakraborty, learned advocate appearing on behalf of the respondent nos. 2 to 7 draws attention of this Court to the impugned letter dated 19.02.2016 being Annexure P-4 of the writ petition at Page No. 48. It is submitted by Mr. Chakraborty that from the tabular chart as available in the said letter, it would reveal that in respect of the relevant plot at Mouza 'Ukhra' though the date of registration was 15.03.2010 but the vendor that is the writ petitioner became the owner of the land

only on 23.08.2006 while the respondent no. 2 and its officials started using the said land on and from 06.01.2006 to 05.05.2006.

10. In course of his argument, Mr. Chakraborty submits before this Court that from Page No. 12 of the supplementary affidavit as affirmed on 09.06.2012, it would reveal that the respondent no. 2/authority adopted following three policies amongst others for the purpose of providing employment which are set forth below in verbatim.

*“From 1.1.85 onwards for eligibility of one employment minimum two acres of land will be required.”*

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*“In all cases of employment the land should belong to the same family.”*

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*“Employment will not be considered for ownership of used land i.e., land purchased/acquired after the use of the land for the purpose of employment. They will get the value of the land.”*

11. It is thus submitted by Mr. Chakraborty that on comparative reading of the letter under challenge and the policy of the respondent no. 2/authority, it would thus reveal that the case of the present petitioner does not come under the zone of consideration and therefore, the respondent no. 2/authority is

perfectly justified in repudiating the claim for employment as made by the writ petitioner.

12. On perusal of the entire materials as placed before this Court and after giving due consideration over the submissions of the learned advocates for the contending parties, it appears to this Court that admittedly, the respondent no. 2/authority had adopted a policy for providing employment under the said Scheme. Admittedly, in Mouza 'Ukhra', the writ petitioner on 15.03.2010 transferred 1.20 acres of land in favour of the respondent no. 2/authority. Subsequent thereto on 09.10.2015, the writ petitioner again transferred 0.8526 acre of land in favour of the respondent no. 2/authority. Admittedly, the sum total of the transferred land is more than 2 acres but as rightly pointed out by Mr. Chakraborty, learned advocate for the respondent nos. 2 to 7 that those two plots of land under cover of the aforementioned two deeds were not executed simultaneously and admittedly there was a gap of more than five years.

13. At this juncture, if I look to the guidelines of the respondent no. 2/authority as quoted above, it reveals that the employment under the said Scheme will be available for one employment in lieu of minimum two acres of land. The Scheme is absolutely silent

whether acquiring and/or transferring of minimum two acres of land are to be made all at a time or at an interval.

14. At this juncture, if I again look to the impugned letter dated 19.02.2016, it reveals that in respect of plot no. 1490 in Mouza 'Ukhra', the writ petitioner became owner of the said plot of land measuring about 1.04 acre on and from 23.08.2006 whereas the respondent no. 2/authority started using of land from 06.01.2006 to 05.05.2006. Such factual position has not been disputed by the writ petitioner though a feeble attempt was made by the writ petitioner by issuing a letter dated 22.03.2016 that is the Annexure-P-5 of the writ petition by stating that he was in *de facto* possession of the said plot of land from 2001.
15. At this juncture if I again look to the aforementioned Clauses of the Scheme as quoted supra, it appears to this Court that it has been clearly stated in the said Scheme that employment will not be considered for ownership of used land that is land purchased/acquired after the use of the land for the purpose of employment. The land loser will get the value of the land.
16. Admittedly, the case of the writ petitioner comes under the aforementioned Clause since the writ petitioner became the owner of the land in question after the date of use of the land by the respondent no. 2 authorities. Though it is the case of the

respondent no. 2 authority that the compensation has been paid to the writ petitioner but the same has been disputed by Mr. Sur in course of his argument. It is the case of the writ petitioner that in lieu of transfer of 2 acres of land in Mouza 'Ukhra' the writ petitioner is entitled to an employment.

17. It appears to this Court that the respondent no. 2 authority had given sufficient cogent reason for not giving employment under the land looser scheme to the writ petitioner since he does not come under zone of consideration as specifically narrated in the letter under challenge dated 19.02.2016.
18. In considered view of this Court the reported decision of **Uday Goswami and Another** (Supra) as passed by a co-ordinate Bench of this Court has no relevance since the subject matter of the instant *lis* is completely different from that of the case of **Uday Goswami and Another** (Supra).
19. In view of the discussion made hereinabove this Court thus finds no merit in the instant writ petition and accordingly the instant writ petition being **WPA 9059 of 2016** is dismissed. All connected applications, if therebe any, are disposed of.
20. There shall be, however, no order as to costs.

21. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

**Sourav/Suvayan**  
**A.R. (Court)**

**(Partha Sarathi Sen, J.)**