

Court No. 2
15.7.2024
(Item No. 26)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side
W.P.A. 15384 of 2024

Prasanta Jana & Ors.
VS
The State of West Bengal & Ors.

Mr. Siddhartha Sarkar
Mr. Hirak Roy
.... For the petitioners
Mr. T. M. Siddiqui
Mr. Supratim Dhar
.... For the State

Affidavit of service filed in Court today, is taken on record.

Mr. Siddhartha Sarkar, learned advocate appears for the petitioners.

Mr. Supratim Dhar, learned State advocate appears for the respondents.

The averments made in the writ petition, inter alia, at paragraphs 3, 4 and 5 show that, the writ petitioners alleged to have purchased the plots of land by way of registered deeds of sale during the period **2016 and 2023**. The copies of the deeds of conveyance are annexed being **annexure P-1 till annexure P-3** commencing from **page 14** to the writ petition. Referring to the record of rights, **annexure P-4** and **P-5** at **pages 57 to 60** to the writ petition, learned counsel for the petitioners submits that, after purchase of the land the petitioners applied for

mutation and accordingly the mutation had been done and the names of the petitioners were placed in the respective record of rights. The petitioners further submit that, the plot in question was acquired in terms of **L.A. case No. 128 of 1969-70** under the notification dated **May 11, 1976**, as would be available from the reply received by the petitioner No. 1 from the appropriate State authority under the **Right to Information Act, 2005** at **page 62** to the writ petition.

The petitioners then submitted their representation, inter alia, dated **May 13, 2024**, **annexure P-7** at **page 65** to the writ petition, claiming either to restore back possession of the said acquired land or to pay applicable compensation to the petitioners. Learned counsel for the petitioners submits that, such representation has not yet been disposed of. The petitioners claimed compensation on the said acquired land.

Mr. Supratim Dhar, learned State counsel appearing for the State respondents submits that, the land was acquired way back in 1970's. The petitioners are the subsequent purchaser. Any purchase on vested land is void in the eye of law. Since the land has already been vested with the State, no such subsequent purchase can take place in the eye of law.

After considering the rival contentions of the parties and upon perusal of the materials on record, from the averments made in the writ petition and also the statement made in the said representation dated **May 13, 2024** submitted by the petitioners, it admittedly appears to this Court that, the land was acquired way back in 1970's and having knowledge of that petitioners made this representation in 2024. The record of rights as referred to by the petitioners, even if, bears the names of the petitioners, cannot and does not confer any title in favour of the petitioners on the land. Record of rights is merely a revenue record and is not as document for title.

In as much as, the petitioners alleged to have purchased the land during the period 2016 and 2023, when the acquisition proceeding in respect of the land had commenced in 1976 and the petitioners had not made out any case that the acquisition proceeding has not yet been completed. In absence of such pleading or evidence, it is presumed that the acquisition proceeding stands completed and closed. Once an acquisition proceeding is completed and closed in accordance with law, the land automatically stands vested with the State and no individual can claim any Right, Title or Interest over the same and therefore, any subsequent transfer is void *ab initio* after vesting of the land with the State. The petitioners

being post vesting purchasers, have no right, title and interest on the land. The petitioners cannot claim any benefit attached with the land.

In view of the foregoing discussions and reasons, this Court is of the firm opinion that, the petitioners do not have any right to maintain this writ petition at the outset.

This writ petition is totally devoid of any merit and harassive writ petition.

Resultantly, this writ petition, **WPA 15384 of 2024** stands dismissed, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)