

January 04, 2024
ARDR (11)

WPA 21127 of 2022

Smt. Mira Ghosh
Vs.
The State of West Bengal & ors.

Adv. Debanshu Ghorai,
Adv. Karunamoyee Samanta,
Adv. Rajdeep Adhikari,
...for the petitioner.
Adv. Chandi Charan De,
Adv. Anirban Sarkar,
...for the State.

Heard learned counsels for the parties.

It is not in dispute that the plot belonging to the petitioner being plot no.116, J.L.no.19, Khatian no.46, Mouza Atuhath-Chak, P.S. Katwa, District Purba Burdwan was acquired by the State by a notice issued under Section 4(1a) of the West Bengal Land (Requisition and Acquisition) Act, 1948. The petitioner requested the Deputy Secretary, Government of West Bengal, Land & Land Reforms Department, to release her land since the plot was situated at the end of the entire acquired stretch of land and might not be required for the project.

Learned counsel for the petitioner takes this Court to a letter issued by the Collector, Burdwan on 23rd October, 1992 to the Assistant Secretary to the Government of West Bengal, Land & Land Reforms Department, stating that release of the petitioner's land may not hamper the project. Views of the requiring body,

i.e. the Superintendent of Police, Burdwan was requested in this connection.

The petitioner's challenge to the acquisition proceeding made in an earlier writ petition being WP 15347 (W) of 2004 was turned down by a coordinate Bench of this Court on 3rd March, 2006. In the said order, the learned Court recorded that it was up to the authority to decide whether they would favour the petitioner with desired release of the piece of land. In other words, discretion to release the petitioner's land was left to the authority by the learned court.

The respondents have submitted a report in this case wherein it is stated that the petitioner's plot which is vested in the State is required for expansion/ augmentation of police unit and release of the plot in favour of the petitioner is not at all feasible. It is also trite law that a plot once vested cannot be divested.

In view of the above, this Court is inclined to hold that since the plot in question admittedly vested in the Government and is required for public purpose, the prayer of the petitioner cannot be acceded to. It is also not a fact that the plot has been arbitrarily or illegally acquired by the authority as claimed by the petitioner.

In the circumstances, this Court is of the view of the writ petition is devoid of any merit and is liable to be dismissed.

Accordingly, the writ petition, being WPA 21127 of 2022 is dismissed.

There shall however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)