

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

19 10.02.2025
Sc Ct. no.2

WPA 1506 OF 2023

Smt. Sunita Devi Shaw

Vs.

West Bengal Highway Development
Corporation Limited & Ors.

Mr. Madhu Jana
Mr. Rahul Agarwala
Mr. Golam Zaky
Ms. Ritika Choudhury.

.....For the Petitioner

Mr. Soumitra Bandyopadhyay
Mr. Srinath Singha Roy.

....For the Respondents
Nos. 3 to 9

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

Mr. Madhu Jana, learned Advocate with Mr. Rahul
Agarwala, learned Advocate appears for the petitioner.

Mr. Soumitra Bandyopadhyay, learned Senior State
Advocate appears for respondent nos.3 to 9.

The rest of the respondents are not represented.

By virtue of a registered Deed of Conveyance dated
November 11, 2020, Annexure-P1 at page 15 to the
writ petition the petitioner claims to have purchased the
subject land. The petitioner submits that the land has
been acquired but the petitioner has not been paid with
compensation.

The petitioner submitted her representation dated
August 4, 2022 but the same has not been considered.

Mr. Soumitra Bandyopadhyay, learned Senior State Advocate referring to a reply dated **October 12, 2022** at **page 36** to the writ petition in response to the query raised by the petitioner under the **Right to Information Act, 2005** submits that, the land acquisition proceeding arose in respect of the subject land way back in the year **1964-65** and **1971-72**. He then refers to the compensation-sheet showing an apportionment of compensation at **page 39** to the writ petition which shows that the actual land losers have already been paid compensation at the relevant point of time. He then refers to **page 42** to the writ petition which is the land acquisition map prepared by the acquiring authority after the entire acquisition proceeding came to an end in a conclusive manner.

After considering the rival contentions of the parties and upon perusal of the records it appears that the petitioner is a post-acquisition purchaser in **2020** which is much subsequent to the acquisition proceeding in respect of the selfsame land was concluded. The purchase of the petitioner is bad in law and the petitioner cannot claim any right, title and interest in respect of the subject land purchased by the petitioner under the said registered Deed of Conveyance dated **November 11, 2020** which has already been acquired and the acquisition proceeding was completed way back in or about **1972-76** as would be evident from the document at **page 39** to the writ petition.

The writ petition is totally devoid of any merit.

However, if the petitioner is entitled in law to proceed against the seller of the property who executed the said Deed of Conveyance dated **November 11, 2020**, the petitioner shall be at liberty to do so in accordance with law before the appropriate jurisdictional forum, subject to the point of limitation and maintainability of the proceeding.

It is made clear that, the petitioner does not have and will not have any claim against the State authorities arising out of the subject acquisition proceeding.

Accordingly, this writ petition, **WPA 1506 of 2023** stands **dismissed**, without any order as to costs.

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

(Aniruddha Roy, J.)