

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

Present :-

The Hon'ble Justice PARTHA SARATHI SEN

WPA 1931 of 2025

Buddhadeb Singha and others
-Vs-
The State of West Bengal and others

For the Petitioner:

Mr. Amit Kumar Pan
Ms. Tanusri Santra

For the State:

Mr. Supratim Dhar, Sr. Adv.
Ms. Tuli Sinha

Hearing concluded on: 15.07.2025.

Judgment on: 15.07.2025.

PARTHA SARATHI SEN, J. : –

1. The parties are represented by their respective learned counsels.
2. By filing the instant writ petition, the writ petitioners have prayed for issuance of appropriate writ/writs against the respondent authorities for initiating a proceeding under Act XXX of 2013 to determine and pay compensation to the petitioners in respect of the land of the writ petitioners, particulars of which has been mentioned in paragraph 1 of the instant writ petition.
3. In course of his submission, Mr. Pan, learned advocate appearing for the writ petitioners submits before this court undisputedly pursuant to publication of a notice under Section 3(1) of the West Bengal Land (Requisition and Acquisition) Act, 1948 (hereinafter referred to as 'Act

II of 1948' in short) the possession of the land by the writ petitioners was taken on 07.02.1990. It is further submitted by Mr. Pan that the respondent authorities however failed to acquire the land of the writ petitioners by publication of notice under Section 4(1a) of Act II of 1948.

4. It is further submitted that with effect from 31.03.1997 the life time of Act II of 1948 came to an end.
5. At this juncture, Mr. Pan draws attention of this court to the provision of Section 9(3a)(West Bengal Amendment) of the Act I of 1894. It is submitted that it is the specific case of the writ petitioners that in terms of the said amendment, the Collector has failed and neglected to serve any notice upon the writ petitioners and in absence of such notice, there cannot be any yardstick for determining the value of the land which has been requisitioned by the respondent authorities.
6. It is thus submitted by Mr. Pan that since Act II of 1948 and Act I of 1894 have already been repealed and also since the respondent authorities have substantially utilized the aforementioned land of the writ petitioners, appropriate writ/writs may be issued commanding the respondent authorities more specifically; the respondent no.5 authority herein to initiate a proceeding for acquisition and determining compensation in terms of the provisions of Act XXX of 2013.

7. It is further submitted by Mr. Pan that from the report as submitted by the respondent authorities, it would reveal that the respondent no.2/authority had accepted that acquisition process under Act II of 1948 was not completed on account of failure to publish notification under Section 4(1a) of the Act II of 1948.
8. Per contra, Ms. Sinha, learned advocate appearing for the State and duly lead by Mr. Dhar, learned Senior Advocate, strongly contended that in the report as submitted before this court by the State on behalf of the respondent no.5, it would reveal that in connection with L.A. case L.A. II/17 of 1987-88 notice for requisition under Section 3(1) of Act II of 1948 was published on 19.01.1990 in respect of the requisition of land and possession of the said land was handed over to the requiring body on 07.02.1990, though notification under Section 4(1a) of Act II of 1948 was not published.
9. It is further submitted that the predecessors in interest of the present writ petitioners have obtained 80% of the land value in terms of Section 8B of Act II of 1948.
10. It is thus submitted by Ms. Sinha that the writ petitioners are not entitled to any relief, as prayed for.
11. On careful consideration of the entire materials as placed before this court and after hearing the learned advocates for the contending parties, it appears that sufficient materials have been placed before this court that though the land of the writ petitioners were requisitioned under Section 3(1) of the Act II of 1948, however such

acquisition process remained incomplete in view of the non-publication of the notice of acquisition under Section 4(1a) of the Act II of 1948. Admittedly, life time of Act II of 1948 came to an end on 31st March, 1997.

12. No material could be placed before this court on behalf of the State that in terms of the provision of Section 9(3A) of Act I of 1894, L.A. notice was served by the Collector upon the land losers i.e. the writ petitioners herein. In absence of such notice, this court finds no yardstick for determining the market value as has been requisitioned as per provision of Act I of 1894.
13. Admittedly from the report as submitted by the respondent State, it reveals that 80% of the land value has been paid to the predecessors in interest of the writ petitioners. However, on careful perusal of Section 8B of the Act II of 1948, it reveals that said 80% amount was paid as compensation in advance towards tentative estimate which is likely to be determined as compensation for acquisition of land.
14. In view of such, this court has got no hesitation to hold that the said 80% of the tentative compensation can at all be basis for assessment of due compensation as payable to the writ petitioners on account of requisition of the aforementioned land.
15. In view of such, this court thus finds sufficient merit in the submission of Mr. Pan that in respect of requisition of land of the writ petitioners, acquisition proceeding has not yet been completed.

16. This court thus while allowing the instant writ petition, directs the respondent authorities more specifically; the respondent no.5 herein to initiate a proceeding for acquisition of the land in question of the writ petitioners under Act XXX of 2013 and after completion of such proceeding, shall take appropriate steps for disbursement of adequate compensation and other reliefs to the writ petitioners, soon thereafter.
17. The entire exercise as indicated in the foregoing paragraph including the disbursement of compensation in terms of the provisions of Act XXX of 2013 shall have to be completed within 180 working days from the date of communication of the server copy of this order.
18. The time limit as fixed by this court is mandatory and peremptory.
19. Liberty is given to the learned advocate for the writ petitioners to communicate the server copy of this order to the respondent no.5/authority.
20. The respondent no.5/authority is hereby directed to act on the server copy of this order.
21. With the aforementioned observation, WPA 1931 of 2025 is allowed.
22. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon completion of all necessary formalities.

(PARTHA SARATHI SEN, J.)