

Item No.9 to 11
24.06.2025
Court. No. 19
GB

W.P.A. 2605 of 2024

Ganga Bouri
Vs.
The State of West Bengal & Ors.

With

W.P.A. 2611 of 2024

Rajib Bouri
Vs.
The State of West Bengal & Ors.

With

W.P.A. 2620 of 2024

Anup Bouri
Vs.
The State of West Bengal & Ors.

<i>Mr. Sabysachi Mukhopadhyay,</i> <i>Ms. Koushikee Banerjee</i>	<i>... for the Petitioners.</i>
<i>Mr. Ayan Banerjee,</i> <i>Mr. Debopriya Chatterjee</i>	<i>... for the State</i> <i>(in WP A 2605 of 2024).</i>
<i>Mr. Soumitra Bandyopadhyay,</i> <i>Ms. Suchana Banerjee</i>	<i>... for the State</i> <i>(in WPA 2620 of 2024).</i>
<i>Mr. Bijoy Kumar</i>	<i>... for the Respondent Nos.6 to 10.</i>

1. The affidavits-of-service as filed today are taken on record.
2. Since identical set of facts and identical questions of law are involved in the instant three writ petitions, the instant three writ petitions are taken up for hearing together and this Court proposes to dispose of the instant three writ petitions by a common judgment.

3. In course of hearing Mr. Mukhopadhyay, learned advocate appearing on behalf of the writ petitioner at the very outset draws attention of this Court to page no.59 of the writ petition of WPA 2605 of 2024, being a copy of an agreement dated 03.02.1979 executed by and between the ECL and the predecessor-in-interest of the present writ petitioners for user of Plot No.4 in Mouza - Eggra for the purpose of pillaring. It is submitted by Mr. Mukhopadhyay that similar such agreement was executed in respect of two other plots of land in the self-same mouza between the same parties.
4. In course of his submission, Mr. Mukhopadhyay draws attention of this Court to page nos.104 to 106 of the writ petition of WPA 2605 of 2024 being a copy of the report of the functionaries of the respondent, Coal India Limited. It is submitted by Mr. Mukhopadhyay that from the said report it would reveal that land measuring about 14 decimals in Plot No.11 and Plot No.23 have been found by the said committee as depressed in the year 2017. It is submitted by Mr. Mukhopadhyay that from the various clauses of the said agreement dated 03.02.1979 it would reveal that it has been agreed by and between the parties to the said agreement that in the event the land which is subject matter of such three agreements are found to be so depressed and becomes unusable, the

respondent no.6 authority shall purchase the portion of the said piece(s) of land.

5. It is submitted by Mr. Mukhopadhyay that since the respondent no.6 authority had failed to abide by the terms and conditions of the said agreement dated 03.02.1979, the writ petitioner approached a coordinate Bench of this Court on an earlier occasion and the said writ petition was dismissed and challenging the judgment and order of the coordinate Bench as passed in the earlier round of litigation, the writ petitioner filed MAT No.300 of 2023 which came to be disposed of on 04.05.2023 directing the respondent no.6 authority and its functionaries to consider the comprehensive representation of the writ petitioner.
6. It is submitted by Mr. Mukhopadhyay that from page no.158 of the writ petition in WPA 2605 of 2024 it would reveal that the present writ petitioner has submitted a comprehensive representation with the respondent no.9 authority and pursuant to such representation, the respondent no.9 authority issued a notice dated 04/05.07.2023.
7. It is further submitted by Mr. Mukhopadhyay that in course of such personal hearing the respondent no.3 did not adhere to the representation of the writ petitioner and the respondent no.9 had left the hearing in the midst thereof depriving the writ

petitioner to ventilate his grievance violating the principles of natural justice.

8. It is further submitted by Mr. Mukhopadhyay that from the reasoned order under challenge it would reveal that the respondent no.9 authority had failed to consider the representation of the writ petitioner in its proper perspective, inasmuch as, the respondent no.9 authority has failed to arrive at a finding with regard to the actual condition of the three plots of land, the possession of which has been taken by the respondent no.6 authority by virtue of the said agreement.
9. Such contention is opposed by the learned advocate for the respondent no.6 and its functionaries.
10. This Court has meticulously gone through the entire materials as placed before this Court. It appears to this Court that the writ petitioners in their representation dated 06.07.2023 though mentioned about various plot numbers but it has not been specifically mentioned in such representation that which plots of land have become depressed on account of activity of the respondent no.6 authority.
11. On careful perusal of the reasoned order as passed by the respondent no.9 authority, it appears to this Court that the respondent no.9 on careful consideration of the entire materials placed before him came to a factual finding that out of the ten plots of land as mentioned in the aforementioned representation, Plot Nos.4, 4567 and 25 were taken on lease by ECL for

three years for which compensation have already been given to the appellant. It has also been noticed by the respondent no.9 authority while passing the said reasoned order that the said three plots were neither purchased or nor acquired by the ECL for the purpose of mining operation and on the contrary the said three plots were temporarily taken by the ECL authority for cutting drains and trenches.

12. In course of hearing Mr. Mukhopadhyay also fails to place any material to substantiate that during the subsistence of the said agreement the aforementioned three plots being Plot Nos.4, 4567 and 25 have become so depressed that those lands become unusable.
13. At this juncture, if I look to the survey report as prepared by the relevant committee as available at page nos.105 and 106 of the instant writ petition, it would reveal that subsidence occurred in Plot no.11 and Plot no.23 which are quite distinguishable from Plot Nos.4, 4567 and 25.
14. In view of such factual scenario and in absence of any perversity and/or unreasonableness in the reasoned order dated 18.07.2023 as passed by the respondent no.9 authority, this Court finds no reason to interfere with the same.
15. With the aforementioned finding the instant three writ petitions being WPA 2605 of 2024, WPA 2611 of 2024 and WPA 2620 of 2024 are dismissed.

16. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Partha Sarathi Sen, J.)