

**HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Debangsu Basak

And

The Hon'ble Justice Md. Shabbar Rashidi

**RVW/163/2025
SRIMATYA ANITA MAITI AND ANR
VS
THE STATE OF WEST BENGAL AND ORS.
IA NO: CAN/2/2025
in
FMA/388/2025
SRIMATYA ANITA MAITI AND ANR
VS
THE STATE OF WEST BENGAL AND ORS.**

For the Review applicants : Mr. A. Gayen, Advocate
Ms. Ashrulina Amiya Gayen, Advocate

For the State : Mr. T. M. Siddique, AGP
Mr. Suddhdev Adak, Advocate

For the Respondent : Mr. Nirmalendu Bera, Advocate
No. 6 Ms. Kalpana Khan Mondal, Advocate
Ms. Sunanda Samanta, Advocate

Heard & Judgement on : July 17, 2025

DEBANGSU BASAK, J.

1. Review applicants seek review of the judgment and order dated May 2, 2025 passed in FMA 388 of 2025.

2. Learned advocate appearing for the review applicants draws the attention of the Court to the fact that the award is claimed to be passed on August 6, 1993 while there is an order passed by a Division Bench in another appeal dated August 19, 1993. None of the respondents in the memorandum of appeal pointed out the fact that, award was passed on August 6, 1993 before the Division Bench.
3. Learned advocate appearing for the review applicants submits that, possession of the land in question was never taken by the State or the Centre. He submits that, possession is one of the ingredients for the purpose of vesting of the land under Land Acquisition Act, 1894. Since, such ingredient is not satisfied, no valid vesting took place and, therefore, the review applicants are entitled to compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.
4. Learned advocate appearing for the review applicants submits that, review applicants were not parties to the writ petition being WP 7798 (W) of 2015 and as such, the question of the review applicants being a close relatives of the writ petitioner does not arise. He contends that, order passed in the other writ petition is not binding upon the review applicants inasmuch as the review applicants are not a party to such writ petition.
5. State and the school authorities are represented.
6. We disposed of an appeal at the behest of the review applicants directed against a judgment and order dated January 15, 2025 passed in WPA 16533 of 1989.
7. Review applicants filed WPA 16533 of 1989 seeking relief with regard to acquisition proceedings. Learned Single Judge was pleased to dismiss such writ petition. Aggrieved thereby, review applicants filed FMA 388

of 2025 which was disposed of by the judgment and order dated May 2, 2025 which is under review in the present review proceeding.

8. Acquisition proceedings relate to Plot No. 126 was questioned in the writ petition filed by the review applicants being WPA 16533 of 1989. There subsists an award dated August 6, 1993 passed under Section 11 of the Act of 1894 in respect of such plot.
9. Acquisition proceeding in respect of the same plot was questioned in another writ petition being WPA 7798 (W) of 2015. Such writ petition was disposed of by an order dated April 4, 2017 which records that there is an award dated August 6, 1993 passed in the acquisition proceedings.
10. The fact that there subsists an award dated August 6, 1993 passed in respect of the acquisition proceedings of Plot No. 126 is not disproved by the review applicants either in its writ petition or in the appeal or even today.
11. The next issue is of possession. It is claimed by the State that, possession was taken and made over to the school. School is functioning at the plot concerned.
12. Issue of possession, therefore, need not be entered into at least by way of review.
13. In the judgment and order under review, we noted that, the review applicants need to establish some right, title and interest in respect of the plot concerned. Mere recording of name of the review applicants in the municipal record of rights will not confer title on the review applicants in respect of the plot. Review application does not contain any evidence of title in this regard.
14. Essentially, what the review applicants require us is to sit in appeal over our judgment and order. In doing so, review applicants invite us

to reappraise the entire evidence and arrive at a finding which the review applicants want us to do.

15. It is the contention of the review applicants that the appeal Court in its order dated August 19, 1993 did not record passing of an award. The requirement may or may not subsisted at that material point of time to record passing of award dated August 6, 1993 by the Appeal Court. The fact remains that, there is an order passed by a learned Single Judge in a writ petition which notes passing of an award dated August 6, 1993. Factum of passing of the award dated August 6, 1993 is not disproved by the review applicants.
16. In view of the discussions above, we find no merit in the present review application.
17. **RVW/163/2025** along with the connected applications are accordingly **dismissed** without any order as to costs.

(Debangsu Basak, J.)

18. I Agree

(Md. Shabbar Rashidi, J.)