

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

06.03.2025
Ct. no.2
Sl. 59
Moumita

WPA 4543 OF 2025

Subhranil Pramanik

Vs.

The State of West Bengal & Ors.

Mr. Kapil Chandra Sahoo

.... For the Petitioner

Mr. Ashim Kr. Ganguly, Ld. Sr. Adv.

Mr. Tarak Karan, Ld. Adv.

.... For the State

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

Mr. Kapil Chandra Sahoo, learned Advocate appears for the petitioner.

Mr. Tarak Karan, learned Advocate led by Mr. Ashim Kr. Ganguly, learned Additional Government Pleader appears for the state respondent.

The relevant averment from the writ petition made by the petitioner is quoted below:

“4) that your petitioner states that the petitioner purchased the land including Acquisition Land from his vendor namely Kalipada Jana by a registered Deed of Sale dated 09.09.2022 and recorded his name in the record of rights and in possessing the case land peacefully. Xerox copies of the Deed and L.R. Parchha are annexed herewith and

collectively marked as Annexure “P-2”.

The relevant statements from the application for compensation submitted and signed on behalf of the petitioner **Annexure p-9 at page 56** to the writ petition is quoted below:

“v) The applicant came to know that the concerned authorities started a proceeding being L.A. Case No. 11/773 of 1973-74 and the applicant have no knowledge about the said proceeding and he is residing in the District of Purba Medinipur and the proceeding was started in the District of South 24 Parganas.”

From the statements quoted above it is evident that the land acquisition case was initiated in **1973-74** and the land alleged to have been purchased by virtue of the Registered Deed of Sale including the acquired land on **September 9, 2022**. This clearly shows that the petitioner is a purchaser subsequent to the acquisition proceeding was initiated.

The purchase of land which is the subject matter of the acquisition proceeding in connection with **LA Case No. 11/773 of 1973-74** is void ab initio and is of no effect at all.

The balance part of the land, if any, might have been rightly and lawfully purchased by the petitioner. This court, however, does not express any opinion, observation or view on the legality or illegality of such

purchase unless the same is specifically ascertained in the light of the existing land records in accordance with law.

Therefore, on the strength of this order the petitioner neither can claim any right or equity nor can claim any right, title or interest on any portion of the land, unless the **acquired portion** of land is properly demarcated and identified by the State authority in accordance with law.

The petitioner, however, shall be at liberty to apply for **demarcation** of the **acquired portion** of land before the appropriate authority, if not already done. In the event, such an application is submitted by the petitioner the appropriate authority after granting an opportunity of hearing to the petitioner and after considering all the relevant existing land records shall dispose of the same by passing a reasoned order in accordance with law.

It is once again made clear that if it appears from the existing land records that the entire land purchased by the petitioner stands acquired being the subject matter of the **said acquisition case**, referred to above, then the petitioner cannot claim any demarcation for any portion of it. It is equally clarified that, if any, portion of land which is found to be beyond the scope of the acquisition and was not related with the **said acquisition case**, the same shall not be touched by the State authority without due process of law.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions, this writ petition, **WPA 4543 of 2025** stands ***disposed of***, without any order as to costs.

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

(Aniruddha Roy, J.)