

S/L 9
14.05.2025
Court. No. 19
Sourav

WPA 5330 of 2023

**Guru Prasad Chattopadhyay
Vs.
The State of West Bengal & Ors.**

Mr. Arjun Samanta

...for the petitioner.

*Mr. Ashim Kumar Ganguly, Ld. AGP
Mr. Subrata Dasgupta*

...for the respondent nos. 1 to 4.

Mr. Amitava Mitra

...for the respondent no. 5.

1. This Court has heard the learned advocate for the writ petitioner, learned advocate for the respondent nos. 1 to 4 and learned advocate for the respondent no. 5, who appears before this Court in virtual mode.
2. By filing the instant writ petition, the writ petitioner has prayed for issuance of appropriate writ/writs against the respondents/authorities for quashing of the order dated 06.12.2022 as passed by the respondent no. 2 with a further prayer for issuance of appropriate writ/writs for immediate demarcation of 0.5 acres of lands out of 2.22 acres of lands in R.S. Plot No. 2753 in Mouza – Ruipukur, J.L. No. 52, P.S. Kotwali, District – Nadia.
3. It is pertinent to mention herein that while passing the order under challenge dated 06.12.2022, the respondent no. 2/authority found no merit in the representation of the writ petitioner for demarcation and returning of 0.05 acre of land in the

aforementioned Mouza and thus, declined to consider the representation of the writ petitioner favourably.

4. At the time of hearing, learned advocate for the writ petitioner at the very outset draws attention of this Court to Page Nos. 27 to 33 of the instant writ petition, being a copy of the judgment and order dated 30.04.1994 as passed by the learned District Judge, Nadia in Misc. L.A. Case Nos. 2486, 2586, 2686 and 2786.
5. It is submitted that from the said judgment and order, it would reveal that under the process of requisition and acquisition as initiated by the then Land Collector under the provisions of West Bengal (Requisition and Acquisition) Act, 1948 (hereinafter referred to as 'the said Act of 1948' in short) acquired 2.17 acre of land out of 2.22 acre of land in the aforementioned plot and possession thereof was taken by the respondents/authorities which was subsequently handed over to the respondent no. 5 being the requiring body.
6. At this stage, learned advocate for the writ petitioner again draws attention of this Court to Page No. 37 of the instant writ petition, being a copy of the representation of the writ petitioner dated 18.11.2020 addressed to the Additional District Magistrate (General), Nadia whereby and whereunder the writ petitioner has made a prayer for demarcation of his unacquired 0.05 acre of land in the aforementioned plot of land.

7. It is submitted that since such representation was not considered favourably, the writ petitioner approaches this Court by filing WPA 2499 of 2022 which came to be disposed of by a co-ordinate Bench on 24.06.2022 wherein the said co-ordinate Bench while disposing the said writ petition directed the respondents/authorities to take appropriate steps for demarcation of the plot in question and, thereafter, to consider the aspect of returning 0.05 acre of land belonging to the writ petitioner. It is submitted that pursuant to such judgment and order dated 24.06.2022, the respondent no. 2 has passed the order under challenge.
8. It is further submitted on behalf of the writ petitioner that the respondent no. 2 while passing the said order has completely misguided himself inasmuch as he has failed to visualize that in the judgment of the aforementioned Misc. L.A. Cases, it would reveal that in the said plot of land only 2.17 acre of land out of 2.22 acre of land was acquired as per the provisions of the said Act of 1948. It is thus, submitted that the order dated 06.12.2022 as passed by the respondent no. 2/authority is based on extraneous substance which vitiates the decision making process for which judicial review is warranted.
9. Per contra, Mr. Ganguly, learned AGP, duly assisted by Mr. Dasgupta, learned advocate appearing on behalf of the respondent/State and its functionaries at the very outset draws attention of this Court to the report in the

form of affidavit as submitted by the respondent nos. 2, 3 and 4. It is submitted by Mr. Ganguly that on conjoint perusal of the said report including its annexures, it would reveal that by a notification dated 27.05.1978 as published on 23.11.1978, a notice was issued under Section 4(1a) of the said Act of 1948 regarding acquisition of plot no. 2753 to the extent of 2.22 acre of land and after completion of process of acquisition, the possession of the said 2.22 acre of land was handed over to the requiring body who is the respondent no. 5 herein.

10. It is thus submitted that by no stretch of imagination, it can be said that in the said plot of land by the said notification dated 27.05.1978, 2.17 acre of land out of 2.22 acre of land was acquired. It is further submitted by Mr. Ganguly that the order which is under challenge before this Court is based on the said notification and, therefore, there is hardly any scope to interfere with the said order.
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 to this Court that on behalf of the respondent/State and its functionaries, a copy of the notification dated 27.05.1978 has been placed wherefrom it reveals that under the provisions of the said Act of 1948, a notice under Section 4(1a) of the said Act of 1948 was published for acquisition of 2.22 acre of land in plot no.

2753 in the aforementioned Mouza and with the publication of the said notice, the said 2.22 acre of land stood vested with the State under Section 4(2) of the said Act of 1948.

12. In view of such, this Court has got no hesitation to hold that the sufficient materials have been placed before this Court that in the aforementioned plot, the entire 2.22 acre of land has been acquired in terms of the provisions of the said Act of 1948 and compensation for such acquisition has already been disbursed to the recorded owners.
13. In view of the discussion made hereinabove, this Court thus finds no reason to interfere with the finding of the learned District Magistrate, Nadia dated 06.12.2022 in absence of any perversity.
14. This Court thus finds no merit in the instant writ petition.
15. Accordingly, the instant writ petition being **WPA 5330 of 2023** is dismissed.
16. There shall, however, be no order as to costs.
17. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)