

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

Present :-

The Hon'ble Justice PARTHA SARATHI SEN

WPA 5714 of 2025

Tarapada Pramanick

-Vs-

The State of West Bengal and others

For the Petitioner:

Mr. Achyut Basu
Ms. Punam Basu
Mr. Anirban Saha
Mr. Srikumar Chakraborty
Mr. Amritansu Sengupta

For the State:

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

Hearing concluded on: 22.04.2025.

Judgment on: 22.04.2025.

PARTHA SARATHI SEN, J. : -

1. The Affidavit of service as filed on behalf of the writ petitioner is taken on record.
2. By filing the instant writ petition, the writ petitioner has prayed for issuance of appropriate writ or writs against the respondent authorities more specifically against the respondent no.3 herein for quashing of the order dated 20.11.2024 as has been forwarded to the writ petitioner under cover of memo dated 11.12.2024.
3. By the order under challenge dated 20.11.2024, the respondent no.3 authority came to a finding that the writ petitioner is not entitled to

receive any rehabilitation plot on account of acquisition of land pursuant to acquisition proceeding under Act II of 1948.

4. In course of hearing, Mr. Basu, learned advocate appearing on behalf of the petitioner at the very outset draws attention of this court to page no.72 of the instant writ petition being a copy of the memo dated 08.09.2023 whereby and whereunder the respondent no.4 authority passed an order for cancellation of the previous decision of the Rehabilitation Advisory Committee in the year 1993. At this juncture, Mr. Basu took me to page nos.73 to 75 of the instant writ petition being a copy of the order dated 03.10.2024 as passed by a Co-ordinate Bench in WPA 10300 of 2024.
5. It is submitted by Mr. Basu that while disposing of the said writ petition, the said Co-ordinate Bench by its order dated 03.10.2024 noticed that the memo dated 08.09.2023 as has been communicated to the writ petitioner is a cryptic one, which is why the said Co-ordinate Bench set aside the order dated 08.09.2023 with a further direction to the respondent authorities to hear out the entire matter afresh after giving due opportunity of hearing to the writ petitioner.
6. Drawing attention to the order under challenge dated 20.11.2024, it is submitted by Mr. Basu that the said order under challenge is practically a replica of the previous order as communicated vide memo dated 08.09.2023.
7. It is further submitted by Mr. Basu that while passing the order under challenge dated 20.11.2024, the respondent no.3 authority

has practically assigned no reason for coming to a conclusion as to why the writ petitioner is not entitled to rehabilitation plot especially when there are sufficient materials that land was acquired pursuant to a proceeding under Act II of 1948.

8. It is further submitted by Mr. Basu that the order under challenge is totally non-speaking and the same is perverse and thus intervention of this court is required in a judicial review.
9. Per contra, Ms. Sinha, learned advocate duly led by Mr. Supratim Dhar, learned senior advocate, appearing for the State submits before this court that while passing the order under challenge dated 20.11.2024, the respondent authorities have given due opportunity of hearing to the writ petitioner as directed by this court in an earlier round of litigation. It is further submitted by Ms. Sinha that the respondent no.2 has also assigned sufficient reason for passing the said order which should not be interfered in a judicial review.
10. On careful consideration of the entire materials as placed before this court and after hearing the learned advocates for the contending parties, this court finds that while passing the order under challenge dated 20.11.2024, the respondent no.3 authority came to a finding that in respect of the plot no.743, a portion of the said plot was acquired from the writ petitioner for which the writ petitioner was awarded due compensation in an acquisition proceeding under Act II of 1948. The respondent no.3 also came to a finding that the father of the writ petitioner received a rehabilitation plot. It is also noticed

by the respondent no.3 authority that the land which has been acquired from the writ petitioner was classified as 'jal' and as per the then prevailing G.O. dated 24.04.1998, rehabilitation plots are allotted against the acquired homestead plots. Accordingly, the respondent no.3 authority came to a finding that since no homestead land was acquired from the possession of the writ petitioner, he is not entitled to get the benefit of the said G.O. dated 24.04.1998.

11. This court thus finds that the respondent no.3 authority has assigned sufficient reason for passing the said reasoned order. It is not the case of the writ petitioner that the principle of natural justice has not been followed.
12. In absence of any contrary materials, this court cannot hold that the order under challenge dated 20.11.2024 is either perverse and/or illogical in any way. This court finds no perversity in the order under challenge.
13. In view of the discussion made out, this court finds no merits in the instant writ petition. Accordingly, the instant writ petition is dismissed.
14. There shall be no order as to costs.
15. The parties shall act on the basis of the server copy of the order.

(PARTHA SARATHI SEN, J.)