

May 20, 2025
Sl. No.8
Court No.19
s.biswas

WPA 6475 of 2025

Snehasis Das

vs.

The State of West Bengal and others

Mr. Rajendra Banerjee

Mr. Souvik Ganguly

... for the petitioner

Mr. Pannalal Bandyopadhyay

Ms. Debdooti Dutta

... for the State

1. The writ petitioner and the respondent State are represented by their respective learned advocates.
2. As called for, District Magistrate and Collector, Murshidabad has submitted a report to Mr. Bandyopadhyay, learned advocate representing the State, and the same is taken on record.
3. By filing the instant writ petition, the writ petitioner has prayed for issuance of appropriate writ/writs against the respondents, more specifically against the respondent no.2 to issue land loser certificate in the name of the writ petitioner from the date of land acquisition i.e. in the year 2009-10 as per notification dated 21.08.2002 instead of 19.09.2024.
4. At the time of hearing, Mr. Banerjee, learned advocate for the petitioner, draws attention of this court to the order dated April 11, 2025 as passed by this court in connection with the instant writ petition. It is submitted by Mr. Banerjee that on careful consideration of the entire materials as

placed before this court and also on perusal of Clause 3 of the notification dated 21.08.2002, this court directed the respondent no.2 to submit a report before this court indicating as to how he prepared a combined list in order of priority for families affected by acquisition of land in terms of Clause 3(1) and (3) of the said notification dated 21.08.2002.

5. At this juncture, Mr. Banerjee requests this court to once again peruse Clause 3 of the said notification dated 21.08.2002 vis-à-vis the report submitted by the respondent no.2. It is submitted by Mr. Banerjee that though on perusal of Clause 3 of the said notification it would reveal that while preparing the list of eligible persons under land losers category, the order of priority should have been maintained which is determined by the date of acquisition in chronological manner, however, from the report as submitted by the respondent no.2 authority it would reveal that it is the candid admission of the respondent no.2 authority that while preparing the list of eligible candidates under land losers category, all along deviation has been made so far as Clause 3(3) of the said notification dated 21.08.2002.
6. This court has meticulously gone through the entire materials as placed before this court

including Clause 3 of the Notification No.301-EMP/IM-10/2000 dated 21.08.2002 as has been quoted in the earlier order dated 11.04.2025. This court has also recorded in its order dated 11.04.2025 that Clause 3 of the said notification clearly mandates that it is incumbent on the part of the screening committee and in absence of such committee, upon the District Magistrate to prepare the list of eligible persons under land losers category and in such list the order of priority would be determined by the date of acquisition in chronological order.

7. As discussed supra, in his report the respondent no.2 has clearly admitted that while preparing such list, the chronological order as mandated in Clause 3(3) of the said notification, has not been followed in his office as also in case of the present writ petitioner.
8. It further appears from the said report that in the office of respondent no.2 while preparing the order of priority, the date of making application is taken into consideration instead of the date of actual acquisition of land.
9. In view of such, this court finds sufficient merit in the instant writ petition and accordingly, the instant writ petition is allowed.
10. This court thus directs the respondent no.2 authority to issue a fresh land losers certificate in

the name of the writ petitioner clearly indicating in such certificate the date of acquisition of the land of the writ petitioner and/or his family members i.e., the year 2009-2010 the instead of the date of making application for land losers certificate thereon.

11. It is further made clear that an amended certificate is to be given to the writ petitioner by the respondent no.2 authority within 30 working days from the date of communication of this order upon surrendering the old certificate, as issued in the name of the writ petitioner.

12. Liberty is given to the learned advocate for the writ petitioner to communicate the server copy of this order to the respondent no.2.

13. The respondent no.2 is directed to act on the server copy of this order.

14. With the aforesaid observation, the instant writ petition is disposed of.

15. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Partha Sarathi Sen, J.)