

13.05.2025
Item No.22
Ct. No.26
CHC
(dismissed)

**M.A.T. 400 of 2025
IA NO: CAN/1/2025
CAN/2/2025**

**Rajabala Mondal
Vs.
The State of West Bengal & Ors.**

Mr. Dhiman Ray, Advocate
Mr. Pritam Modak, Advocate
Mr. Dip Chanda, Advocate
...for the appellant

Mr. Chandi Charan De, Ld. A.G.P.
Ms. Reshma Chatterjee, Advocate
...for the State

Mr. Alok Banerjee, Advocate
Mr. Ashok Kr. Jena, Advocate
...for the respondent no.2

1. Affidavit-of-service filed in Court be taken on record.
2. CAN/2/2025 is an application seeking condonation of delay of two days in making and filing the appeal.
3. For the ends of justice, the causes shown are accepted as sufficient and the delay of two days in making and filing the appeal is condoned.
4. The appeal is directed against the judgment and order dated January 20, 2025 passed in W.P.A. 17786 of 1998.
5. By the impugned order, learned Single Judge dismissed the writ petition of the appellant on the ground of delay, no right of the appellant being affected as also no irregularity in the acquisition proceeding being established.

6. Learned advocate appearing for the appellant submits that, the appellant entered into unregistered agreement to possess the land in question. According to learned advocate for the appellant, the appellant is in possession of such portion of the land. According to him, such acquired portions which were not in the notice for acquisition and that, certain portions which are debattor properties were also acquired.
7. State and the respondent no.2 are represented.
8. Learned advocate appearing for the respondent no.2 submits that, his client is representing the authority. According to him, appellant does not possess any right, title and interest in respect of the property.
9. It transpires from the records that, acquisition proceeding in respect of the property in question was initiated in 1962. Writ petition was filed in 1998. Appellant, as the writ petitioner claims to be in possession by virtue of unregistered deed for possession allegedly executed by the original owner in favour of the appellant.
10. On the strength of the assertions of the appellant, therefore, the appellant is not claiming any higher or better right, title or interest in respect of the property than the original owner.
11. The original owner is not before Court challenging the acquisition proceeding.
12. Moreover, the acquisition proceeding are of vintage of 1962 with the writ petition being of 1998.

13. In such circumstances, the learned Single Judge, rightly held that, there was unexplained delay and that, the appellant did not possess any right, title and interest to assail the acquisition proceeding.
14. We find no ground to interfere with the judgment and order impugned.
15. **M.A.T. 400 of 2025** alongwith **CAN/1/2025** are **dismissed** without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)