

Item No.27  
16.04.2025  
Court. No. 19  
GB

W.P.A. 7392 of 2025

Amar Kumar Das & Ors.  
Vs.  
The State of West Bengal & Ors.

*Mr. Subham Ghosh*

*...for the Petitioners.*

*Mr. Soumitra Bandyapadhyay,  
Mr. Srinath Singha Roy*

*...for the State.*

1. Affidavit-of-service as filed today on behalf of the writ petitioners is taken on record.
2. By filing the instant writ petition, the writ petitioners have prayed for issuance of appropriate writ/writs against the respondent authorities for initiating a proceeding under the Right to Fair Compensation and Transparency in Acquisition, Rehabilitation and Resettlement of Land Act, 2013 (hereinafter referred to as the 'said Act of 2013') and/or commanding them to pay present market valuation under the Direct Purchase Policy Scheme of the Government of West Bengal being Memo No.756-LP/1A-03/14 [Pt-II] in connection with R.A. Case no.43/72-73 as initiated under the West Bengal (Requisition and Acquisition) Act, II of 1948 (hereinafter referred to as the 'said Act II of 1948 in short).
3. In support of his contention, Mr. Ghosh, learned advocate appearing on behalf of the writ petitioner at the very outset submits before this Court that in connection with R.A. Case No.43/72-73 as initiated

under the said Act II of 1948, a substantial portion of the land of the writ petitioners was acquired by the respondent authorities but as on this day, the writ petitioners were not disbursed with adequate compensation.

4. It is further submitted on behalf of the writ petitioners that in the meantime the said Act II of 1948 has been repealed and therefore, the respondent authorities may be directed by issuing appropriate writ/writs to disburse compensation in terms of the prayer made in the instant writ petition.
5. It is further submitted on behalf of the writ petitioners that only on May 28, 2015 the writ petitioner on the basis of an application under the Right to Information Act, 2005 came to learn that no award has been passed either under the said Act II of 1948 or under Act I of 1894 in favour of the writ petitioners.
6. It is further submitted by Mr. Ghosh that since the action of the respondent/State and its functionaries tantamounts to violation of the constitutional right of the writ petitioner under Article 300A of the Constitution of India and since the wrong committed against the writ petitioners by the respondent authorities is continuing one, therefore, the delay and laches of the writ petitioners, if there be any, should not be a consideration for not considering the instant writ petition favourably.

7. In course of his argument, Mr. Ghosh places a reliance upon a reported decision of ***Vidya Devi versus State of Himachal Pradesh & Ors.*** reported in ***MANU/SC/0016/2020*** (Civil Appeal No.60-61 of 2020, Decided on January 8, 2020).
8. Per contra, Mr. Bandyapadhyay, learned senior advocate appearing for the respondent/State and its functionaries draws attention of this Court to the instant writ petition. It is submitted by Mr. Bandyapadhyay that in the instant writ petition there is no pleading to the effect as to what prompted the writ petitioners to approach this Court after a long delay for ventilating their grievances.
9. It is further submitted by Mr. Bandyapadhyay that the instant writ petition is not maintainable basically on the ground of unexplained and inordinate delay and inexcusable laches on the part of the writ petitioners.
10. It is further submitted by Mr. Bandyapadhyay that from page no.43 of the instant writ petition it would reveal that a reply to an information under the Right to Information Act, 2005 was received on May 28, 2015, that is, almost 10 years back, that too, the said information was provided to one Saishddin Sk., who is not a party to the instant lis.
11. Considering the rival submissions of the parties to the instant writ petition, this Court considers that the decision of the Hon'ble Apex Court in the matter of

**University of Delhi versus Union of India and Others** reported in **(2020) 13 SCC 745** is required to be looked into. Paragraph 23 of the said reported decision is quoted hereinbelow in verbatim:-

*“23. From a consideration of the view taken by this Court through the decisions cited supra the position is clear that, by and large, a liberal approach is to be taken in the matter of condonation of delay. The consideration for condonation of delay would not depend on the status of the party, namely, the Government or the public bodies so as to apply a different yardstick but the ultimate consideration should be to render even handed justice to the parties. Even in such case the condonation of long delay should not be automatic since the accrued right or the adverse consequence to the opposite party is also to be kept in perspective. In that background while considering condonation of delay, the routine explanation would not be enough but it should be in the nature of indicating “sufficient cause” to justify the delay which will depend on the backdrop of each case and will have to be weighed carefully by the courts based on the fact situation. In Katiji the entire conspectus relating to condonation of delay has been kept in focus. However, what cannot also be lost sight of is that the consideration therein was in the background of dismissal of the application seeking condonation of delay in a case where there was delay of four days pitted against the consideration that was required to be made on merits regarding the upward revision of compensation amounting to 800%.”*

12. Keeping in mind the proposition of law as decided in the reported decision of *University of Delhi (supra)*, this Court finds that in the instant writ petition no endeavour has been made by the writ petitioners for explaining the delay as to what prevented them to approach this Court after a considerable length of time, especially when the acquisition proceeding was started in the year 1972-73. As decided by the Hon'ble Apex Court in the reported decision of *University of Delhi (supra)* that while considering the condonation of delay written explanation regarding day to day delay is not at all required, however, from the averments made in the writ petition sufficient cause must have been shown by the writ petitioners to justify the delay.
13. This Court has meticulously perused all the paragraphs of the instant writ petition. This Court finds no averment at all on the part of the writ petitioners as to what prompted the writ petitioners to approach this Court for ventilating their grievances after so many decades.
14. Admittedly, the State authorities are not permitted to take law in their own hand infringing the right of the writ petitioners as enshrined under Article 300A of the Constitution of India. However, this Court considers that in the event the aforementioned unexplained and inordinate delay is condoned in absence of any specific pleading in the writ petition,

that would, in considered view of this Court is against the public interest.

15. This Court further considers that the reported decision of *Vidya Devi (supra)* as cited on behalf of the writ petitioners is no way helpful to the writ petitioners, inasmuch as, more than a decades' delay was not explained by the writ petitioners while filing the instant writ petition.
16. With the aforementioned observations, the instant writ petition is dismissed.
17. However, there shall be no order as to costs.
18. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

**(Partha Sarathi Sen, J.)**