

21.04.2025
Court No.19
DL/Item No.-15
[Milan]

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side**

WPA 7866 of 2025

**Smt. Mira Ghosh
versus
The State of West Bengal & Ors.**

Mr. Lal Ratan Mondal,
Mr. Dilip Kumar Sadhu,
Mr. Avik Kumar Das

....for the Petitioner

Mr. T.M. Siddiqui, Ld. A.G.P,
Ms. Debdooti Dutta

..... for the State

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 writ of mandamus against the respondent authorities for release of the remaining portion of the part of Plot No.116 in Mouza – Atuhath Chak, J.L No.19 in Khatian No.46 in connection with acquisition proceedings being LA Case No.43R/88-89.

3) In course of hearing the learned advocate for the writ petitioner at the very outset draws attention of this Court to page Nos.60 to 62 of the instant writ petition being a copy of order dated 04.01.2024 as

passed by a Coordinate Bench in WPA 21127 of 2022, whereby and whereunder the said writ petition as filed by the present writ petitioner was dismissed.

4) At this juncture, learned advocate appearing on behalf of the writ petitioner further draws attention of this Court to page 63 and 64 of the instant writ petition being a copy of an application dated 04.10.2024 as submitted by the writ petitioner with the respondent no.9 authority under Section 6 of the Right to Information Act, 2005. He also draws my attention to page no.66 of the instant writ petition. It is submitted that by issuing a letter of reply dated 20.11.2024, the respondent no.9 had furnished an information to the effect that the plot no.116 as aforementioned was acquired in part. It is submitted that in view of the answer as given by the respondent no.9 authority, the writ petitioner is duly bound to release the un-acquired portion of plot no.116 which belongs to the writ petitioner.

5) In course of her submission, the learned advocate appearing on behalf of the respondents/State and its functionaries has handed over a report dated 14.04.2025 as submitted by Superintendent of Police, Purba Bardhaman which is taken on record. It is contended on behalf of the respondents/State that from the said report it will reveal that the said plot no.116 measuring about 0.11 acre has been recorded in the

name of Home Department, Government of West Bengal and, therefore, by no stretch of imagination it can be said that only a part of the said plot no.116 in the aforementioned Mouza has been acquired.

6) Learned advocate appearing on behalf of the State further submitted before this Court that the relief as sought for in the instant writ petition by the writ petitioner is barred under the principle of *res judicata*, since an identical issue was involved in the earlier round of litigation that is in WPA 21127 of 2022, which was dismissed by a Coordinate Bench.

7) On careful consideration of the entire materials as placed before this Court and after hearing the learned advocates for the contending parties, it reveals that in the letter of reply dated 20.11.2024, it is the version of the respondent no.9 authority that only a part of the aforementioned plot no.116 was acquired. However, from the copy of the record of right as has been annexed with the report dated 14.04.2025 as submitted by the S.P, Purba Bardhaman, it reveals that the entire plot no.116 measuring about 0.11 acre has been recorded in the name of the Home Department, Government of West Bengal.

8) From the page 25 of the instant writ petition being a copy of notice under Section 4 of Act II of 1948, it reveals that the said notice was given in respect of R.S plot no.116 in part but not in full.

9) From the reply to the letter dated 20.11.2024 as issued by the respondent no.9, it reveals that it is the version of the respondent no.9 that plot no.116 was acquired in part.

10) Such being the position, this Court finds a prima facie discrepancy in the letter of reply dated 20.11.2024 as written by the respondent no.9 vis-à-vis, the copy of the record of right as has been filed before this Court under cover of report dated 14.04.2025, on behalf of the State.

11) In view of such, this Court while disposing of the instant writ petition directs the respondent no.9 to make an inquiry either by himself or through jurisdictional BL & LRO as to whether the R.S plot no.116 in Mouza – Atuhath Chak, J.L No.19 in Khatian No.46 has been acquired fully or in part after ensuring service of notice upon the writ petitioner and in the event on conclusion of such enquiry, the respondent no.9 finds that any excess portion of the acquired land in plot no.116 in the aforementioned Mouza has been utilized by the respondents/State and its functionaries, he shall take appropriate steps for assessment and disbursement of the compensation to the recorded owners of the said un-acquired portion of the plot no.116 in the aforementioned Mouza in accordance with law.

12) The entire exercise as indicated hereinabove has to be completed within 90 working days from the date of communication of the server copy of this order.

13) Liberty is given to the learned advocate for the writ petitioner to communicate the server copy of this order upon the respondent no.9.

14) The respondent no.9/State is hereby directed to act on the server copy of this order.

With the aforementioned observations, the instant writ petition is disposed of accordingly.

(Partha Sarathi Sen, J.)