

Item No.10
22.07.2025
Court. No. 19
GB

W.P.A. 7890 of 2025

Pradip Kumar Bhakta & Ors.
Vs.
The State of West Bengal & Ors.

*Mr. Saibal Kumar Acharyya,
Mr. Dwarika Nath Mukherjee,
Mr. Pradip Paul,
Ms. Renesa Dey*

...for the Petitioners.

*Mr. Lalit Mohan Mahata, Ld. A.G.P.,
Mr. Prasanta Behari Mahata*

...for the State.

1. The report as submitted on behalf of the respondent no.6 authority is taken on record.
2. By filing the instant writ petition the writ petitioners have prayed for issuance of appropriate writ/writs against the respondents, more specifically against the respondent no.3 authority for taking appropriate steps for initiation of acquisition proceeding under Act XXX of 2013 and to disburse adequate compensation for utilization of the land of the writ petitioners, particular of which has been mentioned in paragraph no.2 of the instant writ petition.
3. At the time of hearing, Mr. Mahata, learned Additional Government Pleader appearing on behalf of the respondent State and its instrumentalities at the very outset draws attention of this Court to page no.9 of the report as submitted today. It is contended by Mr. Mahata in his usual fairness that the contention of the writ petitioners is justified, inasmuch as, from page nos.9 and 10 being copies of two certificates of

possession of land it would reveal that the writ petitioners' aforementioned land was requisitioned under Act II of 1948 and soon thereafter, the same was handed over to the PWD Road Directorate and the said PWD Road Directorate has substantially utilized the said land.

4. It is further submitted by Mr. Mahata that admittedly no notice under Section 4(1)(a) of Act II of 1948 was published.
5. It is further submitted by Mr. Mahata that on account of requisition and possession of the said land, 80% of the structure value as standing on the aforementioned plot of land were paid to the writ petitioners.
6. On careful consideration of the entire materials as placed before this Court and after hearing the learned advocates for the contending parties, this Court has got no hesitation to hold that in absence of any publication of notice in the gazette under Section 4(1a) of Act II of 1948 vesting process in respect of the aforementioned land remained incomplete.
7. It is an admitted position that lifetime of Act II of 1948 has already come to an end. It is equally pertinent to mention herein that Act I of 1892 was repealed with the enactment of Act XXX of 2013.
8. Admittedly, no award and/or compensation was passed in favour of the writ petitioners either during the lifetime of Act II of 1948 or during the lifetime of Act I of 1892.

9. In view of such, this Court has no other alternative but to hold that the respondent no.3 authority shall have no other alternative but to initiate a proceeding of acquisition afresh in respect of the land, particulars of which has been mentioned in the certificates, copies of which have been annexed at page nos.9 and 10 of the report as submitted by the respondent no.6 authority.
10. In view of such, this Court while disposing the instant writ petition directs the respondent no.3 authority to forthwith initiate a proceeding of acquisition of the aforementioned land of the writ petitioners under Act XXX of 2013 and shall disburse adequate compensation in terms of the said Act of XXX of 2013 to the writ petitioners as well as to the other stakeholders, if there be any.
11. The entire exercise as indicated in the foregoing paragraph including disbursement of compensation in favour of the writ petitioners as well as the other stakeholders in respect of the aforementioned requisitioned land are to be completed within 210 working days from the date of communication of the server copy of this order.
12. The time limit as filed by this Court is mandatory and peremptory.
13. Liberty is given to the learned advocate on record for the writ petitioners to communicate the server copy of this order to the respondent no.3 authority.

14. The respondent no.3 authority is hereby directed to act on the basis of the server copy of this order.
15. With the aforementioned observation WPA 7890 of 2025 is disposed of.
16. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all other formalities.

(Partha Sarathi Sen, J.)