

**2407
2025**

THURSDAY

Court : CB-07
Item : DL-03
Bench : SINGLE
Matter : WPA
Status : DO
ID : 266057
AR : NANDY

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA 10173 OF 2021

DIPAK KUMAR DAS & ANR.

VS.

THE STATE OF WEST BENGAL & ORS.

MR. DEBASISH DAS, ADVOCATE

.....for the Petitioner

MR. T.M. SIDDIQUI, LD. AGP

MR. NILOTPAL CHATTERJEE, ADVOCATE

MR. SUDDHADEV ADAK, ADVOCATE

.....for the State

1. The present writ petition has been preferred challenging the legality and/or propriety of the reasoned order dated 22.09.2020, passed by the Land Acquisition Collector, Tamluk, Medinipur, in compliance with the order dated 08.11.2019 passed by a Coordinate Bench of this Court in WP 14362 (W) of 2019 (Dipak Kumar Das & Anr. vs. The State of West Bengal & Ors.). The order rejected the petitioner's request for demarcation of the land, and to release of the land in his favour.
2. Mr. Das, learned Advocate representing the petitioner, submits that a chunk of land in Mouza – Kasba Egra, District – Purba Medinipur, was acquired as far back as in the year 1946 under L.A. Case No. 3 of 1946–47 for the purpose of widening the Contai–Belda Road. Crucially, the petitioner alleges that subsequently, a Misc. Case being No. 78 of 1953–54 (arising out of P.W.L.A. Case No. 3 of 1946–47) was initiated, as the Public Works Department, the requiring body, decided to relinquish certain lands to the persons from whom they had been acquired.
3. Mr. Das invites my attention to a 'writ of possession' to contend that the land was released in favour of another person similarly situated. However, the petitioner's request for release of the land has been treated differently, prompting the petitioner to submit a

representation before the competent authority. As such representation did not yield any favourable response, the petitioner preferred a writ petition, being WPA 10172 of 2021, which was disposed of by a Coordinate Bench of this Court with liberty granted to the petitioner to submit a representation before the Land Acquisition Collector, along with a direction to the Collector to consider and dispose of the same within the time specified therein, after affording a reasonable opportunity of hearing to all interested persons, including the petitioner.

4. Pursuant thereto, the Land Acquisition Collector passed an order dated 22.09.2020, which was subsequently communicated to the petitioner vide memo dated 12.02.2021.
5. Mr. Das contends that following the decision to relinquish certain portions of land acquired under L.A. Case No. 3 of 1946–47, a sketch map was prepared, on the basis of which a portion of the acquired land was released in favour of certain erstwhile owners. He, therefore, prays for an order quashing the said order dated 22.09.2020 and seeks a direction upon the Land Acquisition Collector to release the land in question in favour of the petitioner.
6. Mr. Siddiqui, learned Additional Government Pleader representing the State, vehemently opposes the contention. He submits that the land was acquired way back in 1946 and stood vested in the State. Therefore, the land cannot now be restored back and/or returned to the erstwhile owner.
7. He further submits that the Public Works Department (PWD), the requiring body to whom the land was handed over, has specifically communicated that the land is required for the purpose of widening the road. In view of such a stand taken by the PWD, the land cannot be returned. Mr. Siddiqui also submits that the petitioner is a post-vesting purchaser, having purchased the land

only in 1979, and therefore has no right to compel the State to release the land in his favour. He argues that the petitioner cannot equate himself with a person to whom a writ of possession was issued in respect of certain lands, and thus cannot claim to be similarly situated with that person(s).

8. Heard the learned Advocate for the respective parties and perused the materials-on-record.
9. Undoubtedly, the land was acquired under a land acquisition proceeding vide L.A. Case No. 3 of 1946–47. The land thereafter vested in the State and was handed over to the requiring body for implementation of a project, namely, the widening of the Contai–Belda Road. The order under challenge in this writ petition was passed by the L.A. Collector based on a communication from the PWD indicating that the said land is still required for the purpose of road widening.
10. The submission advanced by Mr. Siddiqui that once land has vested in the State and possession has been handed over to the requiring body, it cannot be restored to the person from whom it was acquired, cannot be lightly brushed aside or disregarded. I find no material on record sufficient to persuade my judicial conscience to accept that a post-vesting purchaser can compel the State to retransfer such land in his favour. No evidence has been adduced to demonstrate how the petitioner, being a purchaser after the vesting of the land, can equate himself with an original owner in whose favour, if at all, a writ of possession was issued. Moreover, the circumstances under which such a writ of possession was allegedly issued by the State have not been brought on record.
11. In light of the above facts and circumstances, I do not find any infirmity or perversity in the order under challenge in this writ petition, nor do I find any justification in the petitioner's contention.

12. In view of such observation, **WPA 10173 of 2021** is **dismissed**.

(PARTHA SARATHI CHATTERJEE, J)