

M/L 24
01.09.2025
Court. No. 19
Suvayan

WPA 9751 of 2025

**Sahabuddin Molla & Ors.
Vs.
The State of West Bengal & Ors.**

*Mr. Tapas Bhattacharya,
Mr. Aviroop Bhattacharya*

...for the petitioners.

*Mr. Ayan Banerjee
Mr. Ajeyo Chowdhury*

...for the State.

1. The affidavit-of-service as filed today on behalf of the writ petitioners is taken on record.
2. Mr. Bhattacharya, learned advocate appearing on behalf of the writ petitioners undertakes to file requisite court fees for 11 number of writ petitioners positively by September 6, 2025.
3. By filing the instant writ petition, the writ petitioners have prayed for issuance of appropriate writ or writs against the respondent authorities, more specifically against the respondent no.3/authority commanding him to initiate a proceeding under the provisions of Act XXX of 2013 for paying compensation to the writ petitioners in view of utilization of the lands of the writ petitioners for a considerable length of time.
4. At time of hearing, Mr. Bhattacharya, learned advocate appearing on behalf of the writ petitioners at the very outset draws attention of this Court to page nos.53 to 55 of the instant writ petition, being a copy of the order dated 28.08.2024 as passed in WPA 14332 of 2023 by a coordinate Bench of this Court. It is submitted that in the said order dated 28.08.2024, the respondent

no.3/authority was directed to pass a reasoned order with regard to the representation of the writ petitioners and thereafter to pay respective compensation to the writ petitioner within a stipulated period.

5. At this juncture, attention of this Court is drawn to page nos.60 to 64 of the instant writ petition, being a copy of the order dated 06.01.2025 as passed by the respondent no.3/authority pursuant to the direction of the Coordinate Bench dated 28.08.2024.
6. It is submitted by Mr. Bhattacharya that while passing the said reasoned order, the respondent no.3/authority practically came to a finding that though process was initiated for acquisition of the lands of the writ petitioners subsequent to publication of a notice under Section 3 of Act II of 1948, but no notice under section 4(1a) of Act II of 1948 was published in the gazette and no award was also declared. It is further submitted by Mr. Bhattacharya that from the said reasoned order dated 06.01.2025, it would reveal further that the respondent no.3/authority without adhering to the provisions of law as per Act XXX of 2013 passed an order for purchase of the lands of the writ petitioners under direct purchase policy scheme.
7. It is thus submitted by Mr. Bhattacharya that the respondent no.3 has passed such reasoned order without giving due adherence to the law as envisaged in Act XXX of 2013 and, therefore, appropriate relief/reliefs may be granted to the writ petitioners in terms of the prayers made in the instant writ petition.

8. *Per contra*, Mr. Banerjee, learned advocate appearing on behalf of the State/respondents and its instrumentalities, submits before this Court that admittedly the requisition proceedings has been lapsed on account of non-publication of notice under section 4(1a) of Act II of 1948 and, therefore, the respondent no.3/authority rightly passed an order for purchase of the lands of the writ petitioners under direct purchase policy.
9. At this juncture, I propose to look to Section 7A of Act II of 1948 which is quoted hereinbelow in verbatim:-

“7A. Award by Collector. – The Collector shall make an award under sub-section (2) of section 7 within a period of three years from the date of publication of the notice in the Official Gazette under sub-section (1a) of section 4 (hereinafter referred to as the said notice), and if such award is not made within the period as aforesaid, the said notice shall lapse:

Provided that in a case where the said notice has been published more than two years before the commencement of the West Bengal Land (Requisition and Acquisition) (Amendment) Act, 1994, the award shall be made within a period of one year from the date of commencement of that Act.

Explanation. – In computing the period of three years or one year, as the case may be, under this section, the period during which any action or proceeding to be taken in pursuance of the said notice is stayed by an order of a Court having jurisdiction, shall be excluded”.

10. On careful consideration of the aforementioned legislative provisions, if I look to the factual aspects of this case, it reveals that in the instant case sufficient materials have been placed on behalf of the writ petitioners that the requisition and acquisition proceedings in respect of the lands of the writ petitioners stood lapsed for non-publication of the notice under section 4(1a) of Act II of 1948. Sufficient materials have been placed before this Court and the respondent authorities has substantially used the land of the writ petitioners from the day of requisition and possession.
11. Such being the position, this Court finds that there cannot be any predicament in directing the respondent authorities, more specifically the respondent no.3/authority to initiate a fresh proceeding for acquisition of the land of the writ petitioners with effect from the day of taking possession thereof and to pay just compensation in terms of the provisions of Act XXX of 2013.
12. It further appears to this Court that while passing the order under challenge, the respondent no.3/authority has opted for direct purchase of land on the basis of a memo dated 25.02.2016. However, in considered view of this Court such memo dated 25.02.2016 cannot have any overriding effect over the Act of XXX of 2013.
13. In view of discussions made hereinabove, the order dated 06.01.2025 as passed by the respondent no.3/authority is hereby set aside.

14. The respondent no.3/authority is hereby directed to initiate an appropriate proceeding under Act XXX of 2013 in respect of the lands of the writ petitioners within 30 working days from the day of communication of a server copy of this order and to come to a logical conclusion of the same within 180 working days thereafter and shall disburse adequate compensation under the said Act of 2013 to the writ petitioners within 60 days from the date of determination of the award.
15. The time limits as fixed by this Court are mandatory and peremptory.
16. Liberty is given to the learned Advocate-on-Record for the writ petitioners to communicate the server copy of this order both to the respondent nos. 3/authority.
17. The respondent no.3/authority is hereby directed to act on the server copy of this order.
18. With the aforementioned observation, the instant writ petition being WPA 9751 of 2025 is disposed of.
19. Before parting with, it is made clear that in the event the writ petitioners have failed to pay requisite court fees as directed by this Court, the department is directed to place the matter before this Court for passing appropriate order.
20. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)