

Sl No. 29 **28.10.2025**
Ct. No.19
g.b.
266052

W.P.A. 9323 of 2025
Subhas Chandra Sarkar
-Vs.-
The State of West Bengal & Ors.

Mr. Mukunda Lal Sarkar

Ms. Chitralekha Sarkar

Mr. Sibendu De

...for the Petitioner

Mr. Amit Meharia

Ms. Paramita Banerjee

Mr. Sayan Dey

Mr. Tamoghna Chattopadhyay

.....For the Respondent No.5

Mr. Soumitra Bandhapadhyay

Ms. Sucheta Banerjee

.....For the State

1. Heard the learned advocate for the writ petitioner, learned advocate for the State and learned advocate for the National Highway Authority.

2. The subject matter of challenge of the instant writ petition is the notification dated 07.04.2017 as published on 15.07.2017 in a daily circulated Bengali Newspaper in terms of the provisions of Section 3A of the National Highways

Act, 1956 (hereinafter referred to as the 'said Act' in short).

3. At the time of hearing Mr. Sarkar learned advocate for the petitioner draws attention of this court to paragraph no. 2 of the instant writ petition as well as page no.17 of the instant writ petition being a copy of L. R. R. O. R. in respect of LR plot no. 833 under Mouza Lakshmipur, District – Malda. P. S. Baishnabnagar, District – Malda.

4. It is argued by Mr. Sarkar, learned advocate for the petitioner that it is specific case of the writ petitioner that he is the owner of 2 decimal of land (bastu) in the said plot of land. However, in the said notification under Section 3A of the said Act of 1956 it is stated the owner of the RS plot no. 798 which is corresponding to LR plot no. 833 belongs to 'Bharat Sarkar' (Government of India). It is further argued that only after publication of notification dated 07.04.2017 the writ petitioner made a representation dated 26.07.2017 with the respondent no.4 authority ventilating his grievance against such wrong recording but the same was not considered by the respondent no.4 authority despite passing of an order dated 04.10.2018 as passed by this court by a Coordinate Bench in

WPA 164 of 2018, a copy of which has been annexed at page nos. 29-30.

5. Per contra Mr. Bandhapadhyay, learned Senior Government advocate appearing on behalf of the respondent State and its instrumentalities have contended that no material has been placed before this court that the order of the Co-ordinate Bench dated 04.10.18 was at all communicated to the respondent no.4 authority.

6. Mr. Dey, learned advocate appearing on behalf of the National Highway Authority has adopted the argument of Mr. Bandhapadhyay.

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 for some reasons or other the writ petitioner's representation dated 26.07.2017 with the respondent no.4 authority remains unattended.

8. In view of such, this court while disposing the instant writ petition directs the Additional District Magistrate (Land Acquisition), District - Malda to consider a copy of the instant writ petition as a representation of the writ petitioner and after giving due opportunity of

hearing either to the writ petitioner and/or his authorized representative shall pass a reasoned order and shall forthwith communicate the same to the writ petitioner preferably by e-mail, if the e-mail details of the writ petitioner is provided to him at the time of hearing.

9. The entire exercise as indicated in the foregoing paragraph is to be completed by the Additional District Magistrate (Land Acquisition), District – Malda within 30 working days from the date of communication of the server copy of this order together with a copy of the instant writ petition along with all annexures.

10. The time limit as fixed by this court is peremptory and mandatory.

11. The Additional District Magistrate (Land Acquisition) is directed to act on the basis of the server copy of this order.

12. With the aforementioned observation, **WPA 9323 of 2025** is **disposed of**.

13. For abundant precaution the department is also directed to forward a copy of this order to the Additional District Magistrate (Land Acquisition), District – Malda for his immediate compliance.

14. Urgent photostat certified copy of this order, if applied for, be supplied to the parties on urgent basis after completion of necessary formalities.

(Partha Sarathi Sen, J.)