

M/L 17
09.06.2025
Court. No. 19
Suvayan

WPA 9930 of 2023

**Rohit Nath Mandal
Vs.
The State of West Bengal & Ors.**

Mr. K. M. Hossain

...for the petitioner.

*Mr. Soumitra Bandyapadhyay
Mr. Srinath Singha Roy*

...for the State.

*Mr. Debrup Choudhury
Mr. Arkapravo Roy*

...for the respondent nos. 7 & 8.

Mr. Soumik Ganguli

...for the respondent no. 9.

1. The writ petitioner, the respondents/State and its functionaries i.e., the respondent nos. 1 to 6 and the respondent nos. 7 and 8 and the respondent no. 9 are represented by their respective Counsels.
2. By filing the instant writ petition the writ petitioner has prayed for cancellation and/or rescinding the order dated 14.03.2023 passed by the respondent no. 3/authority, with a further prayer for issuance of appropriate writ/writs against the respondents/authorities for initiating acquisition proceeding in respect of the land of the writ petitioner particulars of which has been mentioned in paragraph no. 2 of the instant writ petition.
3. On careful consideration of the entire materials as placed before this Court and after hearing the learned Advocates for the contending parties, it appears to this Court that sufficient materials have been placed before

this Court to come to a conclusion that the respondent nos. 7 and 8/authorities had utilized the writ petitioner's aforementioned land for the purpose of digging community water tank measuring about 1.32 acres without taking prior permission of the writ petitioner or without initiating any acquisition proceeding.

4. On perusal of the order dated 13.02.2023 as passed by a co-ordinate Bench in WPA 18997 of 2022 it reveals that the said co-ordinate Bench considering the plight of the writ petitioner directed the respondent no. 3/authority therein to dispose of the representation of the present writ petitioner within a specified period with a further direction that in the event the present writ petitioner is found entitled to compensation, such compensation is to be disbursed to the writ petitioner with a month thereafter.
5. This Court has also gone through the order dated 14.03.2023 as passed by the respondent no. 3/authority which is under challenge in the instant writ petition. It appears to this Court that while passing the order under challenge dated 14.03.2023 the respondent no. 3/authority came to a conclusion that writ petitioner's plot of land to the extent of 1.32 acres in plot no. 603, Mouza – Rasiagara under P.S. – Taldangra was utilized by the respondent nos. 7 and 8/authorities but no compensation has been paid to the writ petitioner for such work. However, the respondent no. 3/authority most surprisingly came to a

finding that since no acquisition proceeding was initiated in respect of the said plot of land, question of payment of compensation under Land Acquisition Act does not arise in this case.

6. This Court has also gone through the written instruction as submitted on behalf of the respondent no. 7. It reveals from page no. 4 being Annexure – R7/2 of such written instruction that by issuing a letter dated 07.04.2024, the Executive Officer of the respondent no. 7/Samity wrote a letter to the respondent no. 9/authority expressing his intention to purchase the said piece of land from the writ petitioner which has been utilized on account of excavation of the community tank as per present market value.
7. In course of hearing though it has been submitted on behalf of the respondent no. 9 that prior to excavation of tank over the said plot of land of the writ petitioner, the respondent nos. 7 and 8/authorities have taken no prior permission from the respondent no. 9 and, therefore, the respondent no. 9/authority cannot have any liability to pay the requisite money towards consideration for the proposed purchase.
8. It appears to this Court that it is undisputed that in plot no. 603, Mouza – Rasiagara under P.S. – Taldangra the respondent nos. 7 and 8/authorities have utilized the writ petitioner's land to the extent of 1.32 acres for digging a community tank without taking prior permission of the writ petitioner. It further appears to this Court that the respondent nos. 7 and 8

are now willing to purchase the said portion of the land from the writ petitioner as per the present market value.

9. It is made known to this Court that at present there exists a 'Land Purchase Committee' in every District which is headed by District Magistrate of the said District. Such being the position, this Court while disposing the instant writ petition directs the District Magistrate and Collector, Bankura to consider the plight of the writ petitioner as mentioned in the instant writ petition and shall take appropriate decision for purchase of the aforementioned portion of the land of the writ petitioner by the respondent nos. 7 and 8. The 'Land Purchase Committee' headed by District Magistrate and Collector, Bankura shall ensure the availability of the requisite fund while execution and registration of the said deed of purchase by the respondent nos. 7 and 8 as purchasers from the writ petitioner as vendor in respect of 1.32 acres of land in plot no. 603, Mouza – Rasiagara under P.S. – Taldangra.
10. It is also made clear that while executing and registering the said proposed deed of conveyance, the consideration money shall be as per the market value on the day(s) of utilization which is to be obtained by the District Magistrate, Bankura from the District Registrar, Bankura.
11. The entire exercise including the execution and registration of the deed of conveyance upon payment of

consideration money in favour of the writ petitioner as per the market value assessed by the District Registrar, Bankura is to be completed within 90 working days from the day of communication of the server copy of this order.

12. The time limit as fixed by this Court is mandatory and peremptory.
13. It is made clear that the 'Land Purchase Committee' headed by District Magistrate and Collector, Bankura shall act on the server copy of this order.
14. Liberty is given to the learned Advocate-on-Record for the writ petitioner to communicate the server copy of this order to the District Magistrate and Collector, Bankura for his immediate compliance.
15. With the aforementioned observation, the instant writ petition being WPA 9930 of 2023 is disposed of.
16. Urgent Xerox certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Partha Sarathi Sen, J.)