

Dd 9 11/07/2025

MAT/768/2024
With
IA NO: CAN/1/2025, CAN/2/2025
THE STATE OF WEST BENGAL AND ORS.
VS
SMT. BASANTI SEN & ORS.

Mr. T. M. Siddiqui, AGP. Sr. adv.
Mr. Suddhadev Adak,
Ms. Debdooti Dutta, Advocate
... .. For the Appellants/State

Mr. Debayan Bera,
Mr. Sakti Prasad Chakraborti, Advocates
... .. For the respondents

1. By consent of the parties, appeal is taken up on the day's list for final hearing.
2. Appeal is at the behest of the State and its functionaries. Appeal is directed against a judgment and order dated July 7, 2023 passed WPA 27306 of 2014 and the connected applications therein.
3. By the impugned judgment and order, learned Single Judge after noticing the authorities cited before the learned Single Judge, including **(2020) 8 SCC 129 [Indore Development Authority vs. Manoharlal]** and **(2002) 3 CHN 108 [Sabitri Devi & Ors. Vs. State of West Bengal]**, held that, the notification under Section 4(1A) of the West Bengal Land (Requisition and Acquisition) Act, 1948 did not survive as no award was passed within time. Learned Single Judge held that, time to revive proceeding by issuing a notice under Section 9(3B) of the Land Acquisition Act, 1894 was futile. No award was passed within 2 years as required.

Learned Single Judge drew sustenance of the findings returned in the impugned judgment and order on the basis of **Sabitri Devi (supra)**.

4. Learned Single Judge thereafter, proceeded to direct the State to initiate proceedings under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.
5. Learned senior advocate appearing for the appellants submits that, learned Single Judge erred in directing the appellants to initiate proceedings under the Act of 2013. Three plots of land are involved, viz, Plot No. 521, Plot No. 522 and Plot No. 591. He submits that all these three plots were made subject matter of three acquisition proceedings. In support of such contention, he draws the attention of the Court to the response under the Right to Information Act relied upon by the writ petitioners, before the learned Single Judge. He submits that, only a portion of three plots remains in the name of the writ petitioners.
6. Learned senior advocate appearing for the appellants submits that, there is a land policy of the State of West Bengal. Learned Single Judge erred in directing the State to invoke the provisions of the Act of 2013 when the State is also in a position to purchase the land, directly in terms of land policy.
7. Learned senior advocate for the writ petitioners submits that his clients are not averse to the State purchasing the land directly from his clients, in terms of land policy. In this regard, he relied upon the land policy dated February 25, 2016 of the State of West Bengal. He submits that Clauses 3(Xi) and (Xii) thereof should be implemented.

8. In response to a query of the Court, learned senior advocates appearing for the writ petitioners submits that, in the event, the market value of the three plots of land as ascertained from the registry office, is paid to his clients, as the value for the purchase of such plots, his clients are agreeable to execute and register a title deed in favour of the State simultaneously on receipt of the convenience price.
9. Writ petitioners approaches the writ Court, assailing the acquisition proceedings in respect of the three plots of land namely Plot No. 521, Plot No. 522 and Plot No. 591, which were the subject matter of three acquisition proceedings. By virtue of the two acquisition proceedings, the policy of the land comprised in the three plots were acquired. The balance after the first two acquisitions in respect of three plots are 0.84 acres for Plot No. 521, 0.53 for Plot No. 522 and 0.16 acres for Plot No. 591.
10. We find from the records that, the acquisition proceedings stood lapsed. First notice under the Act of 1948 was published on May 23, 1975. Thereafter, a notice was issued on November 15, 2022 under Section 9(3B) of the Act of 1894. Such notice also stood lapsed, since, under the award was published within the stipulated time.
11. In such circumstances, we are of the view that, the learned Single Judge, rightly allowed the writ petition on the ground that the acquisition proceedings were lapsed by the passing of time. Learned Single Judge rightly held that, there was no issue of delay in filing the writ petition since, the acquisition proceedings stood lapsed by passage of time.

12. However, State is also entitled to purchase the land it consumed from the owners thereof apart from invoking the provisions of the Act of 2013.
13. In the facts of the present case, the owners of the three plots are agreeable to sell their respective shares in the three plots concerned to the State at the consideration of the market value of such plot as obtaining in the records of the registry office.
14. In such circumstances, in order to avoid time and energy on the part of the State, it would be appropriate to direct the State to purchase 0.84 acres of Plot No. 521, 0.53 acres in Plot No. 522 and 0.16 acres in Plot No. 591 from the respective owners of Mouza- Nonadanga, J.L. No. 10, P.S. Jadavpur.
15. It would be appropriate that the State obtaining the market value of such property as obtaining in the registry office and inform the learned advocate appearing for the writ petitioners of such value within 7 days from the date. Immediately on receipt of such valuation, all owners of the three plots will write to the State informing their willingness to sell, if they are willing.
16. Once, the willingness are received, State will proceed to prepare the deed of convenience and present for execution and registration at the jurisdictional registry office within two months from the date of receipt of the consent.
17. It is clarified that communication of the consent of the vendors of the property by any advocate to the State will be construed as consent by such vendors.

18. MAT/768/2024 and the connected applications stand **disposed of** accordingly.

(Debangsu Basak, J.)

(Prasenjit Biswas, J.)