

Court No. 2

26.3.2025

(Item No. 25)

(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 12239 of 2024

Indrajit Das

VS

The State of West Bengal & Ors.

Mr. Dilip Kumar Sinha

.... For the petitioner

Mr. Somnath Ganguli, Id. AGP

Mr. Priyabrata Batabyal

.... For the State

Mr. Dilip Kumar Sinha, learned advocate appears for the petitioner.

Mr. Somnath Ganguli, learned Additional Government Pleader with Mr. Priyabrata Batabyal, learned advocate appears for the respondents.

Referring to two notifications published in the Calcutta Gazette the first one on **June 10, 1954, annexure P-3** at **page 34** to the writ petition and the second one being dated **August 2, 1956, annexure P-5** at **page 40** to the writ petition, learned counsel for the petitioner submits that, initially a portion of the land was acquired by the State for public purpose and the first notification was published. Then on the basis of a revised survey plan **annexure P-6** at **page 42** to the writ petition the said second gazette notification was published on **August 2, 1956**. The land acquired mentioned in the notifications include a portion of the land of the petitioner. The balance portion of the land

of the petitioner remains un-acquired and freehold under the possession and occupation of the petitioner. The petitioner claims demarcation. The petitioner made repeated representations, one such is at **page 43** to the writ petition in response whereof the D.L.& L.R.O. issued a communication to the jurisdictional B.L. & L.R.O. dated **March 24, 2023** at **page 44** to the writ petition to initiate suitable proceeding.

In view of the above, the respondent no. 9 upon issuing a prior notice to the petitioner and respondent no. 8 shall cause the necessary demarcation of the **acquired portion** of land in the light of the existing land records and in accordance with law and then shall prepare a report with a proper sketch map showing demarcation of the **acquired portion** of land. The respondent no. 9 then shall provide a copy of the said report along with the sketch map to the petitioner.

The entire exercise shall be carried out and completed by the respondent no. 9 positively within a period of **six weeks** from the date of communication of this order.

It is made clear that, this Court has not gone into the merits of the claim of the petitioner and the writ petition.

The petitioner shall also be at liberty to produce whatever records and documents he wishes to produce before the respondent no. 9.

This order shall not create any right or equity in favour of the petitioner and shall be restricted to the demarcation of the **acquired portion** of the land only. After the demarcation of the **acquired portion** of the land, such demarcation shall also be indicated in the relevant land records.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions, this writ petition, **WPA 12239 of 2024** stands **disposed of**, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)