

S/L 5
24.07.2025
Court. No. 19
Suwayan

WPA 11637 of 2025

**Agnimitra Mukhopadhyay @ Mukherjee
Vs.
The State of West Bengal & Ors.**

*Mr. Md. Sabir Ahmed
Mr. Md. Abdur Rakib
Mr. Biswajit Sarkar
Mr. Dhiman Banerjee*

...for the petitioner.

*Mr. Santanu Kumar Mitra, Sr. Govt. Adv.
Mr. Amartya Pal*

...for the State.

*Ms. Sutapa Sanyal
Mr. Debrup Bhattacharjee
Mr. Pradeep Kr. Tulsyan*

...for the respondent nos. 4 and 5.

1. The writ petitioner, the respondents/State and its instrumentalities and the respondent nos. 4 and 5 are represented by their respective Counsels.
2. By filing the instant writ petition the writ petitioner has prayed for issuance of appropriate writ/writs against the respondents/authorities for rescinding and/or canceling the order of declaration as issued on 15.05.2002 by the respondent no. 2/authority along with other ancillary reliefs.
3. At the time of hearing Mr. Sabir Ahmed, learned Advocate appearing on behalf of the writ petitioner at the very outset draws attention of this Court to page no. 3 of the instant writ petition. It is submitted by Mr. Ahmed that it is the specific case of the writ petitioner that the writ petitioner is the owner of 47 decimals of land in plot nos. 614, 613 and 626 under Mouza – Umarpur, P.S. – Raghunathgunj in District –

Murshidabad, more particulars of which has been mentioned in the said paragraph no. 3.

4. At this juncture, Mr. Ahmed draws attention of this Court to the report as submitted on behalf of the respondents/State in connection of the instant writ petition. It is submitted by Mr. Ahmed that from page no. 2 of the said report it would reveal that it is the candid admission on the part of the respondent no. 2/authority that the writ petitioner is still in possession of the 47 decimals of land in the aforementioned three plots. It is further submitted that from Annexure – B to the said report it would reveal that the aforementioned three plots have never been taken possession by the respondents/authorities for the requiring body.
5. It is thus submitted by Mr. Ahmed that in view of such as on this day the ownership of the writ petitioner in respect of the portions of the land in the aforementioned three plots of land remained intact and, therefore, the respondents/authorities may be prohibited from disturbing the peaceful possession of the writ petitioner and further the said respondents/authorities be further prohibited from creating any encumbrance to the right, title and interest of the writ petitioner in respect of the portion of the land in the aforementioned three plots particulars of which has been mentioned in paragraph no. 3 of the instant writ petition.

6. Per contra, Mr. Mitra, learned Senior Government Advocate appearing on behalf of the State also places his reliance upon the report as submitted before this Court by the respondent no. 2/authority. It is submitted by Mr. Mitra that from the said report it would reveal that in respect of the aforementioned three plots of land award have been disbursed in favour of the land losers.
7. Mr. Bhattacharjee, learned Advocate appearing on behalf of the respondent nos. 4 and 5 though denied and disputed the contention of Mr. Ahmed, however, on being asked by this Court it has been submitted that the respondent nos. 4 and 5 are not in possession of any portion of plot nos. 614, 613 and 626 in the aforementioned Mouza particulars of which has been mentioned in paragraph no. 3 of the instant writ petition.
8. 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 from the report as submitted by the respondent no. 2/authority it would reveal that one Gazette notification was published on 06.03.2022 under Section 4 of Act I of 1894.
9. On being asked by this Court Mr. Mitra, however, could not apprise this Court as to whether publication of declaration under Section 6 of Act I of 1894 was at all made in Gazette. In the report as submitted by the

respondent no. 2/authority this Court finds no such reflection.

10. Such being the position and keeping in mind that Act I of 1894 has already been repealed there cannot be any question of acquisition of land in respect of plot no. 614, 613 and 626 in Mouza – Umarpur, P.S. – Raghunathgunj. From the report it reveals further that the respondent no. 2/authority has categorically admitted that the writ petitioner is in possession of his purchased portion in the aforementioned three plots.
11. Such being the position, this Court while disposing the instant writ petition issues a writ of prohibition against the respondents/authorities including the respondent nos. 4 and 4 restraining them from interfering with the peaceful possession of the writ petitioner in respect of the portion of land particulars of which has been mentioned in paragraph no 3 of the instant writ petition.
12. This Court further commands all the respondents/authorities herein not to create any cloud over the right, title and interest of the petitioner in respect of the aforementioned property except by due process of law.
13. Liberty is given to the learned Advocate-on-Record to communicate the server copy of this order to the respondent no. 2, respondent nos. 4 and 5.
14. Respondent nos. 2, 4 and 5 are directed to act on the server copy of this order.

15. With the aforementioned observation, the instant writ petition being WPA 11637 of 2025 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.)